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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-Sixth Day of *May*, *Anno*
Domini, 1784.

B O S T O N :

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1824

R E S O L V E S
OF THE
G E N E R A L C O U R T
OF THE
C O M M O N W E A L T H
O F
M A S S A C H U S E T T S :

Begun and held at *Boston*, in the County of *Suffolk*,
on Wednesday the Twenty-Sixth Day of *May*,
Anno Domini, 1784.

His EXCELLENCY

J O H N H A N C O C K, Esq; Governor.

His HONOR

T H O M A S C U S H I N G, Esq; Lieutenant-Governor.

C O U N C E L L O R S.

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Moses Gill,
Walter Spooner,
Timothy Danielson,
Benjamin Chadbourne,

Honorable Nathan Cushing,
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Adams, Capt. Reubin Hinman,
Appawelet Equivalent,
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Lee, Mr. Ebenezer Jenkins,
Windfor, Capt. L. Grosvenor.

I.

Resolve relating to lands lying to the westward of *Hudson's River*, requesting the Governor to send the same by express to the delegates of this State; and granting one hundred pounds to the said express. May 27, 1784.

RESOLVED, That the following petition be forwarded to the delegates of this Commonwealth in Congress, and that the said delegates prefer the same to the United States in Congress assembled, as a foundation of farther proceedings of this Commonwealth, in order to regain the possession of such part of the land therein described, as the said Commonwealth have been disseized of.

To the United States in Congress assembled.

The petition of the Legislature of the Commonwealth of *Massachusetts*:
Sheweth,

That whereas *James* the first, late King of *Great-Britain*, by his letters patent, bearing date at *Westminster*, the third day of *November*, in the eighteenth year of his reign, granted unto the Council established at *Plymouth*, in the county of *Devon*, and kingdom of *Great-Britain*, commonly called the Council for planting, ruling and ordering and governing of *New-England*, in *America*, all that part of *America*, lying and being in breadth from forty to forty-eight degrees of northerly latitude, and of length, of and within all the breadth aforesaid throughout the main lands, from sea to sea, to hold the same to themselves, their successors and assigns forever; and whereas the said Council established at *Plymouth*, by their deed, indented under their seal, dated the nineteenth day of *March*, in the third year of the reign of *Charles* the first, late King of *Great-Britain*, did bargain, sell, enfeoff, alien and confirm unto Sir *Henry Rosswell* and his associates, and to their heirs and assigns, all that part of *New-England*, in *America*, which lieth and extendeth between a great River called *Merimack*, and a certain other River there called *Charles-River*, being the bottom of a bay, there called *Massachusetts-Bay*; and also all those lands lying within three English miles to the southward of the southermost part of the said Bay, and extending thence, northward in latitude to the northward of every part of the said River *Merimack*, and in the breadth of latitude aforesaid, extending throughout all the main land in longitude westwardly to the southern ocean: And the said Legislature in their claim herein described, do aver, that the Point, a place situate three miles south of the Bay called *Massachusetts-Bay*, is a point or place situate in forty-two degrees of northern latitude, two minutes north, and that the place, point or boundary aforesaid of three miles to the northward of every part of the River *Merimack*, is a place or point situate in forty four degrees in northern latitude, fifteen minutes north, and that by the grant aforesaid, the said Sir *Henry Rosswell* and his associates became seized of all the lands before described, and contained in the grant aforesaid, of the said Council established at *Plymouth*; and that the same grant was confirmed to the said Sir *Henry Rosswell* and his associates by the said King *Charles*, by his letters patent, dated in the fourth year of his reign, and that the said Sir *Henry Rosswell* and his associates were immediately upon the making the grant aforesaid by the said Council, in the actual seizure

and

R E S O L V E S, *May*, 1784.

and possession of all the lands aforesaid, and for many years held the same, under the name and title of the Governor and Company of *Massachusetts-Bay*, in *New-England*, and that such proceedings and possessions have been done and had respecting the territory aforesaid, granted to the said Sir *Henry Rossell* and his associates, and such subsequent grants have been made of the same, that all the said territory is now the just and proper right of the Commonwealth aforesaid; and all this the said Legislature are ready to verify.

And whereas the State of *New-York* have set up a claim to some part of the land before-mentioned, and it being highly necessary to have the same claims brought to an immediate decision; they do therefore, in behalf of the said Commonwealth, most solemnly request the United States of *America* in Congress assembled, That commissioners may be appointed for enquiring into, and determining upon the claim aforesaid, of the said Legislature, and that such other proceedings respecting the premises may be had, as are by the federal government of the said United States in such cases made and provided.

II.

Resolve relating to lands laying to the west of *Hudson's River*, requesting the Governor to send the same by express to the delegates of this State; and granting one hundred pounds to the said express. *May 27, 1784.*

Resolved, That the Governor be, and he is hereby requested to write to the delegates of this Commonwealth in Congress, and enclose the resolve and petition this day passed on the subject of the lands laying to the west of *Hudson's River*, which belong to this Commonwealth, and to order a suitable express to carry the same to the said delegates, with all possible dispatch. And also to draw a warrant on the Treasury for the sum of one hundred pounds, to enable him to perform the journey with the greatest possible expedition; he to be accountable for the expenditure of the same.

III.

A grant of six hundred pounds to *Richard Devens*, Esq; Commissary-general, to procure oil and other articles. *May 27, 1784.*

Resolved, That there be paid out of the Treasury of this Commonwealth to *Richard Devens*, Esq; Commissary-General, the sum of six hundred pounds, from the revenue arising from the light-houses, to enable him to procure oil and other articles necessary for continuing the lights.

IV.

Resolve on the petition of *Paul Dudley Sargent*, authorizing the Judge of Probate to cause the commissioners to sit again, and allow the claims against the estate of *William Brown*, Esq; *May 29, 1784.*

On the petition of *Paul Dudley Sargent*, praying that the Judge of Probate in and for the county of *Essex*, may be authorized to direct the commissioners on the estate of *William Brown*, Esq; again to sit and examine certain claims against the said estate in the said petition mentioned:

Resolved,

Resolved, That the Judge of Probate, in and for the county of *Essex*, be, and hereby is authorized and empowered, to cause the Commissioners aforesaid again to sit, examine and allow such just claims against the estate of the said *William Brown*, Esq; as may be exhibited by the said *Paul Dudley Sargent*, as administrator to *Catherine Sargent*, late of *Salem*, deceased, the said commission of the said Commissioners having been returned to the said Judge of Probate and closed, notwithstanding.

V.

Resolve on the petitions of *Robert Pegin* and *Alice Pegin* and others, empowering the guardian to the Indians in the county of *Plymouth*, to sell a certain part of the land mentioned. June 4, 1784.

On the petitions of *Robert Pegin* and *Alice Pegin* his wife, *Patience Wood* and *Deborah James*, Indian man and Indian woman, all of *Bridgewater* in the county of *Plymouth*, praying for liberty to sell several parcels of land mentioned and described in the said petitions, for reasons therein set forth.

Resolved, That *John Turner*, *David Kingman* and *John Nelson*, Esq's. guardians to the Indians in the county of *Plymouth*, be, and they are hereby authorized and empowered to sell so much of the land mentioned in the said petitions as will answer the purposes therein mentioned, for the most the same will fetch. And they are hereby authorized and empowered, in the behalf of the said Indians to make and execute good and lawful deed or deeds of the said lands; they the said guardians previously giving bonds, with sufficient sureties, to the Judge of Probate for the county of *Plymouth*, that the neat proceeds of the sales of the said lands shall be faithfully applied for the benefit of the said Indians, and for the purposes mentioned in their said petitions.

VI.

Resolve on the petition of the selectmen of the town of *Princeton*, confirming the proceedings of the said town, relative to raising three men. June 4, 1784.

On the petition of the selectmen of the town of *Princeton*, in the county of *Worcester* :

Whereas the General Court of this State did, by their resolve of the second of *December*, 1780, make a requisition upon the town of *Princeton*, of nine men, for the continental service; three of which men the said town supplied by three-ninth parts of its inhabitants classing themselves; the other six men were procured and agreed to be paid by the remaining six-ninths of the said inhabitants, and it appearing to this Court that the said inhabitants, did, at a legal town-meeting on the twenty-sixth day of *January*, 1784, called for that purpose, vote and agree, that the assessors for the time being, should class the town to pay the men aforesaid, and did direct the said assessors to proportion the same upon the valuation, taking in the fall of the year 1780, being the same valuation

valuation directed to by the General Court, having regard to the three ninth parts of the town who procured the first three men aforesaid, and the said town by their selectmen having prayed for the interposition of this Court :

Therefore *Resolved*, Agreeable to the prayer of the said petition, that the votes and proceedings of the town of *Princeton* with respect to the three men raised by the three-ninth parts of the said town, and also the proceedings and agreements of the said town at their meeting the twenty sixth of *January*, 1784, be, and hereby are ratified and confirmed, in the same manner as though they had been done at the time the said soldiers first enlisted, any law or usage to the contrary notwithstanding.

VII.

A grant of three hundred and forty-four pounds, seventeen shillings and four pence, to the Hon. *Samuel Osgood*, Esq; for his expenditures and attendance as a delegate for this Commonwealth at Congress. *June 5*, 1784.

On the accounts of the Hon. *Samuel Osgood*, Esq;

Resolved, That there be paid out of the treasury of this Commonwealth to the Hon. *Samuel Osgood*, Esq; the sum of three hundred and forty-four pounds, seventeen shillings and four pence, in full discharge of his expenditures and attendance, as a delegate for this Commonwealth at Congress, from the twenty-third of *September*, 1783, to the first of *May* last.

VIII.

Resolve on the petition of *Oliver Wood*, Esq; reversing the judgment and directing a new trial. *June 5*, 1784.

On the petition of *Oliver Wood*, of *Norridgewalk* plantation, in the county of *Lincoln*, Esq; praying that the judgment obtained against him at the Court of Common Pleas held at *Pownalborough*, in and for the county of *Lincoln*, for two hundred and fifty pounds, in an action of the case brought against him by one *Joshua Chamberlin*, of a place called *Seven-Mile-Brook*, may be set aside and a new trial ordered thereon, for reasons set forth in his said petition.

Resolved, That the above described judgment be, and hereby is reversed, and declared to be null and void, and that a new trial shall be had on the above described case at the next Court of Common Pleas to be holden at *Pownalborough*, in, and for the county of *Lincoln*, on the last Tuesday of *September* next, and that the Justices of the same Court are hereby empowered and directed to hear and determine the same, in all respects, as they should or ought to do if the same case were regularly depending by continuance in the said Court; and that all execution on the aforementioned judgment be stayed, and that the said *Oliver Wood* serve the said *Joshua Chamberlin*, or his attorney, with an attested copy of of this resolve, fourteen days before the sitting of the said Court at *Pownalborough*.

IX.

Report on the representation of Col. *John Allan*, respecting a belt of wampum received from the Indians. June 7, 1784.

On a letter from Col. *John Allan* of the 2d instant :

The committee of both Houses appointed to consider this letter, ask leave to report as their opinion, that as it appears to have been the intention of the Indians, that the *Belt of Wampum* mentioned in the said letter, should be presented to Congress, by their Superintendent, it is not expedient for the General Court to take any further order thereon.

X.

Resolve on the petition of *Josua Hubbard*, in behalf of the town of *Kittery*, abating them a fine, for not sending a Representative. June 7, 1784.

On the petition of *Josua Hubbard*, for, and in behalf of the town of *Kittery*, praying for the abatement of a fine laid on the said town, for neglecting to send a Representative to the General Court, in the year 1782, for reasons mentioned in the said petition :

Resolved, That the prayer of the said petition be so far granted, that there be allowed and paid out of the treasury of this Commonwealth, to the town of *Kittery*, the sum of thirty-two pounds seven shillings and six pence, it being one half of the fine aforesaid.

XI.

Resolve on the petition of *Elizabeth Senab*, (Indian woman) empowering *Josiah Stone*, Esq; and others, guardians, to sell the house and land mentioned. June 7, 1784.

On the petition of *Elizabeth Senab*, (Indian woman) praying for liberty to sell a house, and about eleven acres of land lying in *Natick*, in the county of *Middlesex*, for reasons set forth in the said petition :

Resolved, That the Hon. *Josiah Stone*, Esq; *Eleazer King sbury* and *Joseph Twitchel*, guardians to the *Natick* tribe of Indians, be, and they hereby are empowered to sell the said house and land for the most the same will fetch, and to make and execute in their said capacity, a good and lawful deed or deeds of the same to the purchaser or purchasers thereof, the proceeds of the said sale to be applied to the discharge of the just debts of *Eunice Spywood*, deceased, late owner of the said estate, as mentioned in the said petition, and also of the necessary charges arising by the said sale, and the remainder, if any there be, to be secured for the use of the said *Elizabeth Senab*.

XII.

Resolve on the petition of *Thomas Obilds*, Esq; agent on the estate of *Francis Waldo*, an absentee, directing the committee for sales of absentees estates, to deliver him a note, and granting him nine pounds ten shillings in full. June 7, 1784. On

On the petition of *Thomas Childs*, Esq; agent on the estate of *Francis Waldo*, late of *Falmouth*, in the county of *Cumberland*, Esq; an absentee, setting forth that the committee appointed by the General Court, for settling the estates of absentees in the county of *Cumberland*, to make deeds of such lands to their creditors, did make a deed to him, the said *Thomas Childs*, of a piece of land belonging to the estate of the said *Francis Waldo*, valued at two hundred eight pounds, which was ten pounds eleven shillings more than the debt due to the said *Thomas Childs*, for which sum he gave his note to the committee; that the said agent, on the second of *September*, 1783, did settle his accounts of agency with the Judge of Probate for the said county, and there was due to him as agent, twenty pounds, one shilling and ten pence; and praying that his note above-mentioned may be given up and the remaining part of the balance be paid him :

Resolved, That the prayer of the petition be granted, and the committee for settling the estates of absentees in the county of *Cumberland*, are hereby ordered to give up to the said *Thomas Childs* his note of ten pounds, eleven shillings; and that nine pounds, ten shillings and ten pence, be payed to him out of the treasury of this Commonwealth, in full of all his accounts as agent on the estate of the said *Francis Waldo*, Esq;

XIII.

Resolve authorizing the Judge of Probate for the county of *Middlesex*, to authorize commissioners for examining claims on absentees estates in the said county, to examine the claims of *Joshua Henshaw*, Esq; on the estate of *John Vassal*, an absentee, &c. *June 8*, 1784.

On the petition of *Joshua Henshaw*, Esq :

Resolved, That the Judge of Probate for the county of *Middlesex*, be, and he is hereby authorized and empowered to authorize the commissioners appointed for re-examining the claims upon absentees estates in the said county to examine the demand of the said *Joshua Henshaw*, and if the said commissioners shall find the said demand to be just and reasonable, to report the same, and upon such report the said Judge of Probate is directed to certify the same to the Governor and Council, who are hereby authorized to grant a warrant on the treasury of this Commonwealth for payment of the same.

XIV.

Resolve on the petition of *Jonathan Bradshaw*, empowering the Justices of the Supreme Judicial Court to receive his complaint at their next sessions to be holden in the county of *Middlesex*. *June 8*, 1784.

On the petition of *Jonathan Bradshaw* of *Charlestown*, in the county of *Middlesex*, labourer, stating that at a Court of Common Pleas held at *Cambridge*, within and for the county of *Middlesex*, on the last Tuesday of *November* last, he recovered judgment against *Nathaniel Prentiss* of the

said *Charlestown*, sader, for the sum of three pounds seventeen shillings and seven pence lawful money, damage and costs of suit, by default, from which judgment the said *Prentiss* appealed to the Supreme Judicial Court then next to be holden in the said county; and that the said *Bradshaw* was prevented entering his complaint against the said *Prentiss* by accident:

Resolved, That the Justices of the Supreme Judicial Court, be, and hereby are authorized and empowered, to receive the said complaint of the said *Bradshaw*, at their sessions next to be holden within and for the county of *Middlesex*, and to proceed thereon in the same manner as they might by law have done, if the said *Bradshaw* had entered his complaint in the action aforesaid at their sessions in the said county next after the said last Tuesday of *November*, any law, usage or custom to the contrary notwithstanding.

XV.

Resolve on the petition of *Joseph Kilburn* and others, empowering the Judge of Probate for the county of *Worcester*, to authorize commissioners to examine said persons claims against the estate *Abel Willard*, an absentee. *June 8, 1784.*

On the petition of *Joseph Kilburn* and others, setting forth that they had not sufficient notice of the appointment of commissioners on the estate of *Abel Willard*, Esq; of *Lancaster*, deceased, represented insolvent, and praying that the said commissioners may be directed to receive, examine and allow the claims of the said petitioners, so far as they may appear just:

Resolved, That the Judge of Probate of wills, and for granting letters of administration, for the county of *Worcester*, be, and he is empowered and directed to authorize the said commissioners to receive and examine the claims of the said petitioners on the said estate, in the same manner as if they had been timely presented therefor, and to allow them such further time for that purpose, as he shall judge necessary.

XVI.

Resolve authorizing the overseers of the poor of the town of *Boston*, to contract with a physician to attend the alms-house. *June 8, 1784.*

Resolved, That the overseers of the poor of the town of *Boston*, be a committee to contract with a physician to attend upon, and provide medicines for the space of one year (to be considered as ending the thirteenth day of *May, 1785*) for such sick persons, being of the poor belonging to this Commonwealth, as now are, or may be in the alms-house in the town of *Boston*, during the said year; and the said committee are authorized to contract accordingly.

XVII.

Resolve granting one hundred and twenty pounds to *William Drew*, Esq; for repairing the light-house at the *Gurnet*. *June 9, 1784.*

Whereas by a resolve of the General Court, of *July* last, *William Drew*, Esq; was appointed to repair and put in order the light-house on the *Gurnet*

Gurnet at the entrance of *Plymouth* harbour, and to lay his accounts before the General Court, for allowance and payment, but for want of means and money the light-house has hitherto been neglected :

Resolved, That there be paid out of the treasury of this Commonwealth to the said *William Drew*, Esq; one hundred and twenty pounds, out of the light money that is, or may be collected, to enable him to compleat the business of his appointment ; and he to be accountable for the same.

XVIII.

Resolve on the petition of *Peter Castaing* and *William Eyssandeau*, directing the Treasurer to pay the said *Peter Castaing* four notes, to the amount of three hundred and seventy-six pounds, five shillings ; and requesting the Governor to certify their faithful services to the United States. June 9, 1784.

On the petition of *Peter Castaing* and *William Eyssandeau*, Captains in the *Massachusetts* line of the late army of the United States, praying for relief in their peculiar circumstances :

Whereas the said *Peter Castaing* has in his possession four notes, given him by the Treasurer of this Commonwealth, the principals of which taken collectively amount to three hundred and seventy-six pounds, five shillings :

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed, to pay the said *Peter Castaing*, on his delivering the said notes to the Treasurer, the beforementioned sum of three hundred seventy-six pounds, five shillings, together with the interest which shall be found due on the said notes at the time of their redemption, any resolve, law or custom to the contrary notwithstanding.

XIX.

Resolve requesting the Governor to give certificates in favor of Captains *Castaing* and *Eyssandeau*, expressing the sense the Legislature of this Commonwealth entertain of their services in the late war. June 9, 1784.

Resolved, That the Legislature of this Commonwealth entertain a due sense of the faithful services of Captain *Castaing* and Captain *Eyssandeau*, whilst in the service of the United States, in the *Massachusetts* line of the army ; and that his Excellency the Governor be requested to certify the same under the seal of this Commonwealth, in common form.

XX.

Resolve on the petition of *Ebenezer Crafts*, Esq; in behalf of the town of *Sturbridge*, granting to the said town one hundred thirty-four pounds, eleven shillings, for supporting one *John Lace*. June 9, 1784.

On the petition of *Ebenezer Crafts*, Esq; in behalf of the town of *Sturbridge*, praying for a compensation of the charge and expence the said town hath been at for supporting *John Lace*, a sick and indigent person,

person, having no legal residence but in the Commonwealth at large, from *May*, 1780, to the seventeenth of *May*, 1784.

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth unto the selectmen of *Sturbridge*, the sum of one hundred and thirty-four pounds, eleven shillings, in full for the expence they have been at for the support of *John Luce*, up to the seventeenth of *May*, 1784.

XXI.

Resolve appointing a committee to receive, examine and pass on accounts.

June 12, 1784.

Resolved, That *Charles Turner*, *Seth Washburn*, *Joseph Hojmer*, Esq's; *Mr. Joseph Bradley Varnum*, and *Exra Sargent*, Esq; be a committee to receive, examine and pass on all accounts that are now, or may be exhibited, for the support of such indigent persons as are the proper charge of the State, and all other accounts (those only excepted that are or may be committed to a special committee) that shall be exhibited for services performed, cash advanced, or property sold for the use of this Commonwealth, by order of the General Court, or any person or persons authorized to incur such expence, where the same are properly vouched; and that the committee be vested with the same powers, and observe the same rules which were prescribed in a resolve of the General Court passed the fifteenth day of *March*, one thousand seven hundred and eighty-three, appointing a committee to examine and pass on accounts, provided that the said committee do not set on the business of their appointment at any time in the recess of the General Court.

XXII.

Resolve on the petition of *Benjamin Convers*, of *Chester*, giving him leave to enter his appeal from the judgment given in a certain action, mentioned. *June 12, 1784.*

On the petition of *Benjamin Convers* of *Chester*, in the county of *Hampshire*, yeoman, praying for a new trial upon an action brought against him by *Jacob Davis*, of *Charlton*, Esq; at a Court of Common Pleas held at *Worcester*, within and for the county of *Worcester*, on the first Tuesday in *September* last:

Resolved, That the petitioner have leave to enter his appeal from the said judgment given in the said action by the same Court with the clerk thereof, at the next Court of Common Pleas to be holden at the said *Worcester*, within and for the county aforesaid, the first Tuesday in *September* next; and shall recognize as the Justices of the same Court shall direct to prosecute his appeal at the Supreme Judicial Court, next to be held within and for the said county, on the last Tuesday of the same *September*, and the petitioner is hereby fully authorized to enter his appeal at the Supreme Judicial Court, and shall then and there have full liberty to plead a plea, and to have a trial upon the same action there
in

in the same way as if he had appealed in the common and ordinary course of law, and the execution which hath issued upon the judgment aforesaid shall have the same force and effect in law, as if the trial so had at the Supreme Judicial Court was on a review of the action, and no other.

XXIII.

Resolve on the petition of *William Cooke*, declaring null and void a certain judgment, and directing the clerk of the said Court to bring forward the action mentioned, the said *Cooke* to notify Mr. *Gabriel Jobonnot*.
June 14, 1784.

Upon the petition of *William Cooke*, praying for a trial on an action brought by *Gabriel Jobonnot*, against him, as set forth in his petition :

Resolved, That the prayer of the said petition be granted, and that the judgment given in the action aforesaid, at the Court of Common Pleas, holden at *Boston*, on the first Tuesday in *January* last, and the execution issued thereon, is declared null and void, and the clerk of the said Court is directed to bring forward the said action, at the Court of Common Pleas to be holden at *Boston*, within and for the county of *Suffolk*, on the first Tuesday of *July* next, in the same manner as if the same had been duly continued to that Court; at which time the parties shall be allowed any new plea, and proceed to trial in the same manner as if no default had been made thereon, and no judgment had been given; said *William Cooke* to notify the said *Gabriel Jobonnot*, by leaving with him an attested copy of this resolve, at least fourteen days before the time of the said Court's sitting,

XXIV.

Resolve granting to each of the delegates, representing this State in Congress, thirty-three shillings per day. *June 14, 1784.*

Resolved, That there be allowed to each delegate, who shall hereafter be chosen to represent this Commonwealth in the Congress of the United States, for his service and expences for each day. (Lord's day included,) from the time of his leaving home, until his return, the sum of thirty-three shillings.

XXV.

Resolve on the petition of *Sarah Dana*, guardian to *Orlando Henry*, *Caleb* and *James Dana*. *June 14, 1784.*

On the petition of *Sarah Dana*, guardian of *Orlando Dana*, *Henry Dana*, *Caleb Dana* and *James Dana*, setting forth, that *George Dana*, executor of the last will and testament of *Galeb Dana*, late of *Cambridge*, in the county of *Middlesex*, Esq; deceased, in *February*, seventeen hundred and seventy-four, obtained leave from the then Superior Court of Judicature,

capture, Court of assize and general goal delivery, to make sale of so much of the said deceased's real estate, for the payment of debts and legacies, as should amount to the sum of six hundred pounds lawful money, and praying that the said *George* be stayed from proceeding, (for reasons in the said petition mentioned) in the sale of the aforesaid estate, until he the said *George* render an account to the Judge of Probate, of the county of *Middlesex*, aforesaid, of the monies he, the said *George*, may have received from the proceeds arising from the sales of any part of the real estate of the said deceased, which he may have heretofore made by virtue of the authority given him as aforesaid, and also give bonds to the Judge of Probate aforesaid, for the use of her wards aforesaid, her children, and the other children of her the said *Sarah*, whose estate is made chargeable for the payment of the debts and legacies aforesaid, and subject to sale by the said *George*, in pursuance of his authority aforesaid, that he the said *George*, in case he should, agreeably to the authority aforesaid, make any further sale of the real estate aforesaid, that he will appropriate the monies arising therefrom, solely to the payment of the debts of the deceased, and the legacies by the said deceased in his last will bequeathed :

Resolved, That the prayer of the said petition be granted, and that the said *George* proceed no further in the sale of the real estate aforesaid, until he render an account to the Judge of Probate aforesaid, for the monies by him received from the sales of any part of the real estate aforesaid, in pursuance of his authority aforesaid, which he may have made heretofore, and also give bonds to the said Judge for the use of the children of the said *Sarah*, with sufficient sureties, that in case he the said *George*, agreeably to the authority aforesaid, should make any further sale of the real estate aforesaid, to appropriate the monies arising therefrom solely to the payment of the debts of the said deceased, and to the discharge of the legacies by the said deceased in his last will bequeathed.

And be it further Resolved, That the said Judge of Probate be directed and empowered, on application made by the said *George*, or any other person or persons interested in the said will or estate, to cite the said *George* to render an account as aforesaid, and to require of him bonds for the purposes aforesaid, with sureties as aforesaid.

XXVI.

Resolve allowing pay to the Rev. *Joseph Willard*, President of the University at *Cambridge*, the Rev. *Samuel Williams* and the Rev. *Edward Wigglesworth*. June 15, 1784.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the Rev. *Joseph Willard*, President of the University at *Cambridge*, the sum of one hundred and five pounds thirteen shillings and four pence, which together with former grants, is to be in full of his salary until the first day of *January*, 1784 :

To the Rev. *Samuel Williams*, one of the professors of the said University, the sum of two hundred thirty-two pounds, ten shillings, in full for his services to the period aforesaid : and

To the Rev. *Edward Wigglesworth*, one of the said professors, the sum

of two hundred thirty-three pounds, seven shillings and eight pence, in full to the same period.

XXVII.

Resolve on the memorial of the Hon. *John Bacon*, in behalf of the town of *Stockbridge*, directing the Treasurer to recall his execution, relative to beef. *June 15, 1784.*

On the memorial of the Hon. *John Bacon*, Esq; in behalf of the town of *Stockbridge*, praying, for reasons set forth in the said memorial, that the execution issued against the said town for beef required of them by a resolve of the General Court, of the fourth of *December, 1780*, may be recalled without cost to the said town :

Whereas it appears to this Court, by the certificates of the superintendent, lodged in the Secretary's office, that the said town did seasonably comply with the said resolve :

It is therefore *Resolved*, That the prayer of the said memorial be granted, and that the Treasurer be directed to recall the said execution, and that the cost attending the same be defrayed out of the treasury of this Commonwealth ; any defect as to the form of the said certificate, notwithstanding.

XXVIII.

Resolve on the petition of *Hannab Thomas*, granting her a barrack on her land, at the *Gurnet*, as her property. *June 15, 1784.*

On the petition of Mrs. *Hannab Thomas*, praying that the barrack on her land, at the *Gurnet*, may be given to her for the damages done to her house, fences, &c. while a garrison was kept at that place :

Resolved, That the prayer of the petition be granted, and that the said *Hannab Thomas* be intitled to the barrack on her land at the *Gurnet*, as her own property, which shall be in full for what damages she has sustained.

XXIX.

Resolve remitting a fine to the town of *Scarborough*, for not sending a Representative in the year 1782. *June 16, 1784.*

On the petition of the town of *Scarborough*, by *William Thompson*, Esq; their Representative, praying, for reasons set forth in their petition, to be abated a fine set upon them in the year 1783, for not sending a Representative in the year 1782 :

Resolved, That the prayer of the said petition be granted, and the Treasurer of this Commonwealth is hereby authorized and directed, to credit the said town of *Scarborough*, the sum of thirty-seven pounds, three shillings and four pence, on the last State tax, granted in the year 1783; that sum being the amount of the fine laid upon the said town of
Scarborough

Scarborough, for not sending a Representative in the year 1782, any law or resolve to the contrary notwithstanding.

XXX.

Resolve on the petition of the selectmen of the town of *Leominster*, empowering them to call a meeting for the choice of a constable or collector. June 17, 1784.

On the petition of the selectmen of the town of *Leominster*, praying that they may be empowered to call a meeting of the said town, to chuse a constable in the room of one excused by the said town :

Resolved, That the prayer of the said petition be granted, and that the selectmen of the town of *Leominster*, be, and they are hereby empowered, forthwith to call a meeting of the inhabitants of the said town, qualified according to law, to vote in the choice of town officers, who when convened, are hereby authorized and empowered to make choice of a suitable person to serve as a constable and collector of taxes for the said town, and the person so chosen, shall be subjected to the same fine for refusal, and when sworn, shall have the same powers that by law are given to constables and collectors, the month of *March* being elapsed, and any law or custom to the contrary notwithstanding.

XXXI.

Order on the petition of the Representatives of the several towns in *Dukes-County*, relative to suspending executions for taxes. June 19, 1784.

On the petition of the Representatives of the several towns in *Dukes-County* :

Ordered, That the subject matter of the aforesaid petition, be referred to the next session of the General Court, and that the Treasurer of this Commonwealth, be directed in the mean time to suspend executions against the inhabitants of the several towns in the county of *Dukes-County*, for taxes granted from the year 1778, to the year 1782, inclusive, and for the fines assessed on the said towns for not raising their quota of men for the year 1783, and also for the tax assessed on the town of *Edgarton*, for the year 1777.

XXXII.

Resolve on the memorial of *John White*, granting him seven pounds ten shillings, for expence attending his son's sickness. June 21, 1784.

On the memorial of *John White* :

Whereas *John White*, jun. son of *John White* of *Sanford*, in the county of *York*, was in the year 1780, a soldier in the service of this Commonwealth, and stationed at *Falmouth*, in the county of *Cumberland*, where there was no hospital provided for the sick, who was sent home to his father by the direction of the commanding officer, who provided for his said son during his sickness : *Therefore*, *Resolved*,

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth to the said *John White*, senior, seven pounds ten shillings, in full for all expence attending his said son in his sickness as aforesaid.

XXXIII.

Resolve granting eighteen thousand four hundred and eighty-one pounds, ten shillings and eleven pence, to *Jabez Hatch*, Esq; late Deputy Quarter-Master-General, to pay sundry persons for procuring ox teams, &c. for the transportation of stores to the army in 1781. *June 22, 1784.*

Resolved, That there be paid out of the second moiety of the Continental tax, to *Jabez Hatch*, Esq; late Deputy Quarter-Master-General, the sum of eighteen thousand four hundred and eighty-one pounds, ten shillings and eleven pence, to be by him paid to the several persons mentioned in the annexed account, each one his proportion thereof, in full discharge of the monies due to them as contractors in this Commonwealth, for ox teams and conductors, employed in the campaign of 1784; the aforesaid sum being for fifty-three thousand six hundred and eighty-three dollars and forty-four ninetieths of a dollar, and the interest thereof from the first day of *January, 1782*, to this time; and that the same sum be charged to the United States, as part of this State's quota, which may be required by Congress for the year 1785:

	Dollars.	90ths.
SAMUEL BUCK, - - -	8465	2
JOHN DUNSMORE, - - -	6675	13
JOSEPH M'CLINTOCK, - - -	6011	43
HEZEKIAH METCALF, - - -	2344	75
JOHN HALL, - - -	6375	
SOLOMON KIMBALL, - - -	6556	7
JOSEPH OSGOOD, - - -	3503	61
MARK PACHARD, - - -	7752	23
JEREMIAH BATTLES, - - -	6000	
	53,683	44

XXXIV.

Resolve empowering the committee for the sale of certain strips and gores of unappropriated land, in the county of *York*, to dispose of the lands mentioned. *June 23, 1784.*

On the petition of sundry persons, praying that they may, for certain considerations, be quieted in the possession of certain lands advertized for sale, by a committee of the General Court; and also on the representation of the said committee, praying for instructions relative to the sale of them:

Resolved, That the committee for the sale of certain strips and gores of unappropriated land in the county of *York*, appointed *March* 20, 1784, be, and they are hereby directed and empowered to dispose of the lands mentioned in the commission, either by private sale, or at public auction, attending to the circumstances under which any of the said lands may lie.

XXXV.

Resolve directing the committee for methodizing public accounts, to proceed in the settlement of the committees on absentees estates, and directing a return to be made to them from Judges and Registers of Probate, &c. *June* 23, 1784.

Whereas by a resolve of the sixteenth of *March* last, the committees for the sale of absentees estates in the several counties in this Commonwealth, were directed to make a return into the Secretary's office, of their doings by the tenth instant; and whereas it now appears that the committee for stating and methodizing the public accounts, have called upon all the said committees to settle their accounts with them, agreeable to two former resolves of *June* the twenty-ninth, 1782, and *June* the fifth, 1783, in consequence of which, several of the said committees have applied and settled their accounts, and others stand ready to do it:

Therefore, Resolved, That the said committee for stating and methodizing public accounts, be, and they hereby are directed to proceed in the said settlement, and bring to a close, the accounts with the said committees on absentees estates, agreeable to the said two resolves of the twenty-ninth of *June*, 1782, and the fifth of *June*, 1783, any thing in the said resolve of the sixteenth of *March* last, notwithstanding.

And it is further Resolved. That the Judges and Registers of Probate, in the several counties in this Commonwealth, proceed and make return of their doings in every respect agreeable to the said resolve of the sixteenth of *March*, 1784, excepting that they make it to the said committee, instead of returning it into the Secretary's office, and that the same be done on, or before the first day of *September* next, instead of the time mentioned in the said resolve; and the said committee for stating public accounts, are hereby directed to lay the whole of their proceedings relative to the said committees, &c. before the General Court the first week in their next session.

And it is further Resolved, That the Secretary be, and he is hereby directed to deliver to the committee for stating and methodizing the public accounts, all such returns as may have been made into his office by the several Judges of Probate, and committees for the sale of absentees estates, in consequence of the said resolve of the sixteenth of *March* last.

XXXVI.

Plan of the Schedule for a Valuation, *June 23, 1784.*

A list of the polls and of the estates real and personal of the several proprietors and inhabitants of the town of _____ in the county of _____ taken pursuant to an act of the General Court of the Commonwealth of *Massachusetts*, intituled "An Act for enquiring into the rateable estate of this Commonwealth," passed in the year of our LORD, one thousand seven hundred and eighty-four, by the subscribers, assessors of the said town, duly elected and sworn.

No. Polls rateable.

No. Polls not rateable supported by the town.

No. Polls not rateable, not supported by the town.

No. Dwelling-Houses,

No. Shops separate from, or adjoining to other buildings.

No. Tan-Houses, slaughter-houses, and other working-houses.

No. Distill and sugar-houses.

No. Rope-Walks.

No. Pot and pear-lash works.

No. Ware-Houses.

No. Barns.

No. Grist, saw, fulling and flitting mills.

No. All other mills.

No. Iron works and furnaces.

No. All other buildings and edifices of the value of five pounds and upwards.

No. Superficial feet of wharf.

No. Acres of tillage land.

No. Acres of English and upland mowing.

No. Acres of fresh meadow.

No. Acres of salt marsh.

No. Acres of pasturage.

No. Barrels of cyder, which can be annually made upon the whole farm.

No. Acres of wood-land.

No. Acres other unimproved land.

No. Acres of land unimproveable.

No. Tons of vessels, and small craft of five tons burthen and upwards, at home or abroad, to be given in carpenter's tonage.

An account of every person's whole stock in trade, goods, wares and merchandize, at home or abroad, paid for or not paid for.

Factorage, or the value of commissions on merchandize annually.

No. Horses and mares, three years old and upwards.

No. Colts two years old.

No. Colts one year old.

No. Oxen four years old and upwards.

No. Neat cattle three years old.

No.

No. Neat cattle two years old.

No. Neat cattle one year old.

No. Cows four years old and upwards.

No. Sheep and Goats six months old and upwards.

No. Swine six months old and upwards.

No. Ounces of silver plate.

Debts due to any person on interest or not on interest, except government securities and continental loan-office certificates, more than they are indebted.

Monies on hand.

XXXVII.

Resolve on the petition of *John Tracy*, granting him one thousand six hundred pounds, in full for his account, for the use of the brigantine *Pallas*, on the *Penobscot* expedition. June 23, 1784.

On the petition of *John Tracy*, praying that he may be allowed his account for the use of his vessel, and for ship stores expended in the expedition at *Penobscot* :

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to *John Tracy*, Esq; (in Treasurer's notes, bearing date the first of *January*, 1781) the sum of one thousand six hundred pounds, in full for his account for the use of the said vessel and ship stores expended in the said expedition.

XXXVIII.

Resolve allowing interest on the note mentioned in a resolution of Court passed yesterday, in favor of *John Tracy*, Esq. June 24, 1784.

Resolved, That the note which by a resolution of the General Court passed yesterday, was directed to be made to *John Tracy*, Esq; for the sum of one thousand six hundred pounds, to bear date the first of *January*, 1781, shall be on interest from that time and issued as the consolidated notes of this Commonwealth.

XXXIX.

Resolve granting to *Ezra Lunt* eight hundred and twenty-seven pounds, seven shillings and nine pence, to him and to his assistants, as Commissary of small stores and clothier in the continental army. June 24, 1784.

On the report of the committee for stating the accounts of this Commonwealth, setting forth that they have examined and adjusted the accounts of *Ezra Lunt*, late Commissary of small stores and State clothier in the continental army, and that there is due to the said *Ezra Lunt*, the sum of eight hundred and twenty-seven pounds, seventeen shillings and nine pence :

Resolved, That there be paid out of the treasury of this Commonwealth

wealth, to *Ezra Lunt*, the sum of eight hundred and twenty-seven pounds, seventeen shillings and nine pence, in full for his and his assistants wages, and all expences as Commissary of small stores and clothier in the continental army, for this Commonwealth; and the Treasurer is hereby directed to pay the above sum as follows, *viz.* two hundred and seventy-five pounds, seventeen shillings and nine pence, in specie, and the sum of five hundred fifty-two pounds, in government securities; the said securities to bear date *July* fourteen, 1782, the time when the said *Lunt* was discharged from the service.

XL.

Resolve intitling *Solomon Parsons, jun.* to half pay as a soldier. *June* 24, 1784.

On the representation of *John Lucas, Esq;* Commissary of pensioners, in behalf of *Solomon Parsons, jun.* a soldier who was wounded in the service of the United States :

Resolved, That the said *Solomon Parsons, jun.* be intitled to one half pay as a soldier, from the first day of *January*, one thousand seven hundred and eighty one, till the further order of the General Court or Congress.

XLI.

Resolve on the petition of *Levi Rawson*, directing him to serve *Jabez Metcalf*, with a copy of his petition, and resolve thereon, that he may shew cause, &c. *June* 25, 1784.

On the petition of *Levi Rawson*, setting forth, that at the Court of Common Pleas, for the county of *Suffolk*, on the third Tuesday of *April* last, *Jabez Metcalf* recovered judgment against the petitioner for the sum of two hundred and seventy-nine pounds, and cost; and that he had not notice of the suit in due form of law:

Therefore Resolved, That the said *Levi* serve the said *Jabez*, with an attested copy of his petition and this order thereon, fourteen days before the second Wednesday of the next session of this Court, that he may then shew cause (if any he has) why the prayer of the said petition should not be granted; and in the mean time it is hereby ordered that execution be stayed.

XLII.

Resolve directing the Treasurer to continue consolidating government securities. *June* 25, 1784.

Whereas the time limited by a resolve of the General Court, of the twenty-sixth of *February* last, for consolidating government securities, is now expired, and it being represented to this Court that a considerable number of such securities remain yet unconsolidated :

It is Resolved, That the Treasurer be, and he is hereby authorized and directed to continue the business of consolidating government securities, until the first day of *October* next, on the same terms as heretofore provided.

XLIII.

Resolve on the petition of *John Bacon*, Esq; in behalf of *Elisba Martindale* and others, respecting a resolve passed *February* the tenth, 1783; and empowering *Asbel Strong*, and others, to execute a deed of sale of the land mentioned. *June 28, 1784.*

On the petition of *John Bacon*, in behalf of *Elisba Martindale*, of *Lee*, in the county of *Berkshire*, setting forth that in a resolve of the General Court, of *February* the tenth, 1783, on the petition of the said *Elisba Martindale*, there is a meer clerical mistake, as to the quantity of land mentioned in the said resolve, and praying that the said mistake may be rectified, which representation appearing to this Court to be true :

Resolved, That the resolve aforesaid be, and hereby is repealed, and that *Asbel Strong* and *Henry Williams Dwigbt*, administrators on the estate of *Thomas Williams*, late of *Stockbridge*, Esq; deceased, be, and hereby are authorized and empowered to make and execute a good and lawful deed of sale, unto the said *Elisba Martindale*, of a certain tract of land, in the town of *Lee*, containing two hundred and twenty acres, belonging to the estate of the aforesaid *Thomas Williams*, deceased, he the said *Elisba*, first paying to the aforesaid administrators, the sum of four hundred and eighty pounds, with interest agreeable to contract, including such sum or sums of money as the said *Elisba* shall make appear to the said administrators that he paid to the said *Thomas Williams*, before his decease, being in part pay for the aforesaid tract of land ; and the aforesaid administrators shall account with the Judge of Probate for the county of *Berkshire*, for the disposal of the money they shall receive by virtue of this resolve.

XLIV.

Resolve on the petition of Col. *John Allan*, directing the committee for methodizing public accounts, to settle the accounts mentioned in his petition. *June 28, 1784.*

On the petition of *John Allan*, Superintendant of Indians in the eastern department, praying for a settlement of his accounts :

Ordered, That the accounts mentioned in the said petition, be referred to the committee appointed for methodizing and stating public accounts, who are hereby authorized and empowered to settle the said accounts with Col. *John Allan*, agreeable to justice, and charge the same to the United States.

XLV.

Resolve for bonds to be given by the Treasurer and the Commissary-General of this Commonwealth, with directions to the Secretary to make out the bonds, for the approbation of the General Court. *June 28, 1784.*

Resolved.

Resolved, That *Thomas Ivers*, Esq; Treasurer, give bond to this Commonwealth, in the sum of thirty thousand pounds, with sufficient sureties for the faithful discharge of his said trust.

And that *Risbard Devens*, Esq; Commissary-General, give bond to this Commonwealth, in the sum of eight thousand pounds, with sufficient sureties, for the faithful discharge of his said trust; and that the Secretary prepare said bonds, and lay them before the General Court for their approbation.

XLVI.

Resolve on the petition of *Ephraim Fairbanks*, Esq; in behalf of the town of *Bolton*, empowering the assessors of the said town to commit to *Joel Fosgate*, the bills mentioned. June 28, 1784.

On the petition of *Ephraim Fairbanks*, Esq; of the district of *Berlin*, lately set off from the town of *Bolton*, setting forth that some matters of difficulty have arisen respecting the collection of taxes, assessed before the division of the said town of *Bolton*, not committed to collectors before the said division, and praying that the assessors of *Bolton* may be authorized to commit the bills containing the taxes legally assessed on the inhabitants of the said *Berlin*, before the said division, to *Joel Fosgate*, of the said *Berlin*, by them legally chosen constable and collector for the said district, at their first legal meeting for choosing officers for the said district; and that the said *Fosgate* may be authorized to collect the said taxes, and a reasonable time allowed for the said collection:

Resolved, That the prayer of the said petition be granted, and that the assessors of the town of *Bolton* be, and they are hereby authorized and empowered, to commit unto *Joel Fosgate*, legally chosen constable for the district of *Berlin*, the bills mentioned in the said petition, containing taxes legally assessed on the inhabitants of the said district of *Berlin*, before the division of the said town of *Bolton*, with a warrant to collect and to pay unto the Treasurer of the town of *Bolton*, such of the aforementioned taxes as were properly town taxes, and the said assessors are directed to transmit such of them as were for the second moiety of the continental tax, to the Treasurer of this Commonwealth; and the said *Joel Fosgate* is hereby empowered and directed to receive the said bill, to collect the taxes due thereon, and pay them accordingly; governing himself according to the laws of this Commonwealth, respecting the collection of taxes.

XLVIII.

Resolve on the petition of *Henry Knox*, Esq; directing the Judge of Probate for the county of *Suffolk*, to grant him a letter of agency on the estate of the late *Thomas Flucker*, Esq; to the said *Henry Knox*, Esq; he giving bonds sufficient to the said Judge. June 28, 1784.

On the petition of *Henry Knox*, Esq;

Resolved, That the Judge of Probate for the county of *Suffolk*, be, and he hereby is directed, to grant a letter of agency on the estate of the late *Thomas Flucker*, Esq; to *Henry Knox*, Esq; he giving bond with sufficient sureties

sureties to the said Judge, to account for the same estate, and to pay what remains of the same (after the just debts and legal charges thereof are satisfied) into the public treasury; and the said *Henry Knox* is empowered and directed to proceed in the settlement of the said estate, and the payment of the debts due therefrom, according to the direction of the law respecting administrators.

Provided nevertbeless, That *Joseph Peirce*, the present agent, notwithstanding his being superceeded by the appointment of the said *Henry Knox*, as aforesaid, shall be held to account for all such parts of the said estate, as he has administered.

XLIX

A grant of two hundred pounds to each of the delegates elected to represent this State in Congress. June 29, 1784.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to each of the delegates, who are or may be appointed to represent this State in Congress, the year ensuing, and who shall proceed to Congress for said purpose, the sum of two hundred pounds, they to be accountable for the sums they shall respectively receive, to be deducted from the allowance made them for their service.

L.

Resolve on the petition of *Benjamin Convers* of *Chester*, giving him leave to enter his appeal mentioned, at the next Court of Common Pleas at *Worcester*. June 29, 1784.

Upon the petition of *Benjamin Convers* of *Chester*, in the county of *Hampshire*, yeoman, praying for a new trial upon an action brought against him by *Jacob Davis* of *Charlton*, Esq; at a Court of Common Pleas held at *Worcester*, within and for the county of *Worcester*, on the first Tuesday in *September* last :

Resolved, That the petitioner have leave to enter his appeal from the said judgment given in the action aforesaid by the said Court, with the clerk thereof, at the next Court of Common Pleas to be holden at said *Worcester*, within and for the county aforesaid, on the first Tuesday in *September* next, and shall recognize as the Justices of the same Court shall direct, to prosecute his appeal at the Supreme Judicial Court, next to be holden at *Worcester*, within and for the county aforesaid, on the third Tuesday in *September* next, and the said petitioner is hereby fully authorized to enter his appeal at the same Supreme Judicial Court, and shall then and there have full liberty to plead, and have a trial upon the same action, in the same manner as if the same appeal had been in the common and ordinary course of law, and the execution which hath been issued upon the same judgment aforesaid, shall have the same force and effect, as if the trial so had at the Supreme Judicial Court, was on a review of the action, and no other.

LI.

Resolve granting seven thousand seven hundred and twenty-one pounds, eighteen shillings and seven pence, to Mr. *Joseph Ruggles*, on the order of Congress in favour of *Jeremiah Wadsworth*, Esq; dated the 15th of *April*, 1780, out of the tax granted in *October*, 1781. *June 30, 1784.*

Whereas the sum of seven thousand seven hundred and twenty-one pounds, eighteen shillings and seven pence, is due to *Joseph Ruggles*, and others, for supplies of provisions for the use of the army of the United States, which was to have been paid on an order of Congress in favor of *Jeremiah Wadsworth*, Esq; dated the fifteenth day of *April*, 1780, for one million nine hundred thousand dollars; and whereas by a resolve of the General Court of the eighth day of *March* last past, it was resolved that the said sum now due as aforesaid, should be paid from the proceeds of the tax then next to be granted, and as the so deferring the payment thereof will greatly distress those to whom the same is due, and it now appearing to this Court that part of the tax granted in *October*, 1781, was appropriated for the payment thereof:

Therefore Resolved, That the said sum of seven thousand seven hundred and twenty-one pounds, eighteen shillings and seven pence, shall be paid out of the treasury of this Commonwealth on the said order, out of the said tax granted in *October*, 1781, or any subsequent State tax, at such periods as the circumstances of the treasury will admit; the said resolve of the eighth day of *March* last past, notwithstanding.

LII.

Resolve intitling *Capt. Samuel Clarke*, to one eighth part of pay as a Captain. *June 30, 1784.*

On the representation of *John Lucas*, Esq; Commissary of pensioners, in behalf of Captain *Samuel Clarke*, who was wounded in the service of the United States :

Resolved, That the said *Samuel Clarke*, be intitled to one eighth part of pay as a Captain, from the twenty-seventh day of *November*, one thousand seven hundred and eighty-one, till the further order of the General Court or Congress.

LIII.

Resolve directing the Secretary to furnish agents appointed to prosecute the claims of this Commonwealth to lands west of *Hudson's River*, with copies of records and papers, &c. and a grant to the said agents, to accomplish the said business, of five hundred pounds. *July 1, 1784.*

Resolved, That the Secretary of this Commonwealth, be, and he hereby is directed, to furnish the agents who may be appointed to prosecute the claims of this Commonwealth to certain lands mentioned and described in the petition of the General Court, of the twenty-seventh day of

May last, respectively, with authentic copies of such records and papers as they shall think necessary in the prosecution of their agency. And the Secretary is also directed to transmit to the Secretary of Congress, a certificate that this legislature hath received the act of Congress, of the third day of *June* current, on their petition aforesaid.

Resolved, That there be allowed and paid out of the public treasury, to the said agents, the sum of five hundred pounds, they to be accountable for the expenditure thereof in the prosecution of their said agency.

LIV.

Resolve establishing the pay of the Members of the General Court. *July*
1, 1784.

Resolved, That there be paid out of the treasury of this Commonwealth, the sum of eight shillings to each member of the Hon. Council, and the sum of seven shillings and six pence, to each member of the Honorable Senate, and the sum of seven shillings to each member of the House of Representatives, for each day they have attended the Council or General Court, the present session, also the further sum of one day's pay for every ten miles distance each member lives from this place.

LV.

Resolve constituting the delegates who shall actually represent this Commonwealth in Congress, on the first day of *December* next, lawful agents of this State, with such agents as shall be appointed in behalf of *New-York*, to determine the claims to lands west of *Hudson's River*.
July 2, 1784.

Whereas the legislature of this Commonwealth, by their petition to Congress on the twenty-seventh day of *May*, 1784, last past, alledged that certain lands to which the State of *New-York* set up a claim, was the just and proper right of this Commonwealth, and Congress having given notice thereof to the said State and appointed the first Monday of *December* next, to proceed in the premises as by the article of confederation and perpetual union is directed :

Resolved, That the delegates who shall actually represent this Commonwealth in Congress on the first day of *December* next, or the major part of them, are hereby constituted the lawful agents of this State, and are authorized and empowered, with such agent or agents as may be empowered therefor on the part and behalf of the State of *New-York*, to appoint by joint consent, Commissioners or Judges to constitute a Court for hearing and determining the claims of the same State and of this Commonwealth to the lands mentioned and described in the petition aforesaid ; and in case the said State of *New-York* shall neglect to attend by their agent or agents, at the said time appointed therefor by Congress ; or if attending, the agent or agents of the said State and the delegates hereby appointed the agents of this Commonwealth, cannot agree to appoint by joint consent Commissioners or Judges for the purpose aforesaid,
then

then the said delegates, or the major part of them, are hereby authorized and empowered, on the part of this Commonwealth, to do and transact all matters and things whatsoever by the said article of confederation and perpetual union necessary to be done and transacted, to the appointment of Commissioners and Judges for the purpose aforesaid.

Resolved, That there shall be appointed by joint ballot of the two Houses, three gentlemen, the duty and business of whom, or any two of them, it shall be, carefully to collect the evidence of the title of this Commonwealth to the lands mentioned and described in their petition to Congress, to part of which the State of *New-York* have set up a claim, to appear before any Commissioners or Judges who may be appointed a Court to determine on the claim of the said State and of this Commonwealth, to the land aforesaid, and to prosecute the suit by the said petition instituted, to a final determination.

LVI.

Resolve on the petition of *Orlando Seargent*, in behalf of the town of *Almsbury*, abating the fine laid on the said town. July 2, 1784.

On the petition of *Orlando Seargent* in behalf of the town of *Almsbury*, praying that the fine of forty-six pounds, fourteen shillings and two pence, laid on the said town for not sending a representative the last year, may be abated, for reasons set forth in the said petition :

Resolved, That the prayer of the said petition be so far granted, as that the town of *Almsbury* be abated the sum of twenty three pounds, seven shillings and one penny of the said fine ; and the Treasurer of this Commonwealth is hereby directed and empowered to credit the said town in the last State tax accordingly.

LVII.

Resolve appointing *Henry Bridge* and *Nathan Dane*, Esq's; commissioners to settle the boundaries of lands and possessions, beginning at the head of the tide on *Penobscot-River* ; and to confer with the Indians relative to the relinquishment of any claims, &c. July 2, 1784.

Whereas the Provincial Congress, of the then Province, now Commonwealth of *Massachusetts*, on the twenty-first of *June*, 1775, on application made to them by the Indians of the *Penobscot* tribe, did (as will appear by the records of the said Provincial Congress) strictly forbid any person or persons whatsoever, from trespassing or making waste upon any of the lands and territories or possessions, beginning at the head of the tide on *Penobscot-River*, extending six miles on each side of the said *River*, then claimed by the said Indians : and whereas the boundaries of the lands and possessions claimed by them are uncertain ; and it being expedient that the extent of the said lands should be ascertained, and that a quantity of lands proportioned to the number of the said Indians should be confirmed to them :

It is therefore Resolved, That *Ebenexer Bridge* and *Nathan Dane*, Esq's. be, and they are hereby appointed commissioners, with full power to treat with the said Indians on the subject beforementioned, to settle the boundaries of such lands as shall be agreed upon to be confirmed to them, and to confer with the said Indians relative to the relinquishment of any claims or privileges they may suppose themselves intitled to in any lands, by the doings of the said Provincial Congress, or otherwise; and to agree upon a consideration to be allowed them therefor; and the said commissioners are hereby directed to proceed upon the aforesaid business as soon as may be, and to make report of their doings herein to the General Court, at their next session.

L.VIII.

Resolve directing confiscated lands to be sold by auction, for public securities. July 2, 1784.

Whereas it appears that there are several parcels of land lying in the different counties in this Commonwealth, and confiscated to the use of this government, by retaining the property of which, no considerable rise of the same can be reasonably expected and the settlement of the same is thereby prevented:

Resolved, That the several committees for the sale of absentees estates within this Commonwealth, those of the counties of *York*, *Cumberland* and *Lincoln* only excepted, be, and they are hereby authorized and directed, as soon as may be, to make sale at public auction of all the lands confiscated to the use of this Commonwealth, within their several districts, for the consolidated securities of this government, and pay the same as speedily as may be into the treasury of this Commonwealth. Provided always, that in all instances where the said estates have been duly certified as insolvent; that the said committees be, and they hereby are directed, to sell the same for gold and silver, or legal certificates of the distributive sum on any allowed claims, and in all instances where bonds were given by the former owners for titles, upon complying with the conditions of the same, or entries on the same were made, and cultivation thereof begun, previous to the confiscation thereof, the said committees are hereby directed to proceed with respect to the same in manner as provided by the act originally appointing the said committees; and the said committees are hereby enjoined to proceed on and complete the business aforesaid, with all such dispatch as is consistent with the public interest, and to settle their accounts of the same with the committee for methodizing and stating the public accounts.

LIX.

Resolve on the petition of *Nathaniel Leonard*, late muster-master in the county of *Bristol*, directing the Sheriff of the said county to receive a certain sum of money in Continental bills, and discharge him from the execution mentioned. July 2, 1784.

On the petition of *Nathaniel Leonard*, Esq; late a Muster-Master for the

the county of *Bristol*, praying for relief respecting an action commenced against him by the Treasurer, for a balance in his hands of the money he received to pay bounties :

Whereas it appears to this Court, that the said *Leonard* did offer the said balance to the Treasurer, agreeable to the orders of the General Court, as set forth in the said *Leonard's* declaration :

Therefore Resolved, That the Sheriff of the county of *Bristol*, be, and he is hereby directed, to receive of the said *Nathaniel Leonard*, the sum of sixty-seven pounds, seventeen shillings and six pence, in consolidated securities of this government, and discharge him from the execution for the said sum, the said *Leonard* paying costs of suit ; and the Treasurer of this Commonwealth is hereby directed to receive the said consolidated securities from the Sheriff aforesaid.

LX.

Resolve for commemorating the anniversary of American Independence.
July 2, 1784.

Whereas on the fourth day of *July*, A. D. 1776, the United States of *America*, were delivered from a low and humiliating dependence on a foreign power, and by the directing hand of Providence, assumed a station among the nations of the earth, and became a sovereign and independent people, which day will be forever marked as the æra when their political existence commenced :

Resolved, That the legislature of this Commonwealth will, on Monday next, at ten o'clock in the forenoon, celebrate the anniversary of the independence of the United States, and repair to some suitable place for public worship, and there in a solemn manner render thanks to Almighty God, for the signal and unmerited interposition of his Providence, in bringing to pass this great event, in supporting these States through a cruel and bloody war, in establishing them in peace and continuing to bestow his innumerable blessings upon them ; and also humbly to implore that he would fit us to receive the divine favor and benediction on all our national affairs.

Resolved, That his Excellency the Governor, his Honor the Lieutenant Governor and the Honorable Council, be requested to attend on this occasion ; and that his Excellency be desired to direct demonstrations of joy by the discharge of cannon and such other military parade as he may judge proper ; and that the Chaplain of the General Court officiate on the religious exercise of the said day.

LXI.

Resolve on the petition of *Nicholas Bartlet*, that the said *Nicholas* notify *Jotham Loring of Hingham*, to shew cause, &c. July 3, 1784.

On the petition of *Nicholas Bartlet* :

A

Resolved,

Resolved, That the said *Nicholas Bartlett* serve *Jotham Loring*, of *Hingham*, in the county of *Suffolk*, with an attested copy of the said petition and this resolve, that the said *Loring* may appear before the General Court on the third Wednesday of the next setting thereof, to shew cause, if any he hath, wherefore the prayer of the said petition should not be granted, and that all proceedings on the judgment which the said *Loring* recovered against said *Bartlett* in the county of *Suffolk*, in *April* term last, before the Court of Common Pleas, shall cease in the mean time.

LXII.

Resolve on the petition of the selectmen of the town of *Great-Barrington*, empowering *Thomas Ingersol*, jun. to collect the several taxes mentioned. July 5, 1784.

On the petition of the selectmen of the town of *Great-Barrington*, shewing, that in the year 1782, a State tax of six hundred and twenty-two pounds, ten shillings, together with a county tax, a town tax and a minister's tax, were committed to *Thomas Ingersol*, jun. then constable of the said town, to collect; that in the month of *September* last, for reasons in the said petition mentioned, the aforesaid taxes were taken out of the hands of the said *Thomas Ingersol*, jun. and committed to *John Hickok*, then constable and collector of taxes for the said town, to be by him collected. That another State tax of six hundred and twenty-two pounds, ten shillings; and a State tax of four hundred thirty-seven pounds, thirteen shillings and four pence, together with a county tax, a town tax and a ministerial tax, were also committed to the said *John Hickok*, to collect, and that for reasons in the aforesaid petition mentioned, all the taxes aforesaid have been taken out of the hands of the said *John Hickok*, and committed to *Thomas Ingersol*, the present collector of taxes, there to be by him collected, and praying that the same *Thomas Ingersol* may be empowered to collect the aforesaid taxes:

Resolved, That the prayer of the petition be granted, and that the same *Thomas Ingersol*, be, and he hereby is fully authorized and empowered, to collect the aforesaid several taxes, in the same manner as he might have done, had they been originally committed to him to collect, or as the said *Thomas Ingersol*, jun. and *John Hickok*, respectively, might or could have done, he observing the rules and requirements of the laws respecting the collecting of taxes by constables and collectors.

LXIII.

Resolve on the petition of a number of the inhabitants and proprietors of land in the north-east corner of *Stockbridge*, appointing *Natbaniel Kingsley* and *Thompson J. Skinner*, Esq's. a committee to view the premises. July 5, 1784.

On the petition of a number of the inhabitants and proprietors of land in the north-east corner of *Stockbridge*, praying that the lands delineated in a plan accompanying the same, may be set off from said *Stockbridge* and annexed to the town of *Lenox*:

Resolved,

Resolved, That *Caleb Strong*, *Nathaniel Kingsley* and *Thompson J. Skinner*, Esq's; be a committee to view the premises, at the expence of the petitioners, and report what is proper to be done thereon, at the next session of the General Court.

LXIV.

Resolve on the petition of *Timothy Page*, agent on the estates of *Timothy Ruggles* and *Daniel Oliver*, absentees, empowering the Judge of Probate to receive the claims mentioned. July 5, 1784.

On the petition of *Timothy Page*, agent on the estates of *Timothy Ruggles* and *Daniel Oliver*, late of *Hardwick*, Esq's; absentees, setting forth that he has a balance in his hands arising from the sales and rents of said estates, amounting to two hundred and twenty-eight pounds, five shillings and two pence one farthing, for which he has taken notes and bonds of several individuals who are creditors to said estates; and praying for liberty to pay the same in lieu of cash, and that the Judge of Probate for the county of *Worcester* may be empowered to receive the same in discharge of the said balance:

Resolved, That the Judge of Probate for the county of *Worcester*, be, and he hereby is impowered, to receive the said claims in discharge of the said balance due from the said agent accordingly; provided the same shall have been duly allowed, and provided further, that the said creditors shall upon discharging their demands in manner aforesaid, give bond with sufficient sureties to the said Judge of Probate, that so much of the said claims shall be repaid, in case upon a final settlement the said estates shall be found insufficient to pay and discharge all the just debts of the said absentees.

LXV.

Resolve abating a fine laid on the town of *Sudbury*, for not sending a Representative. July 5, 1784.

On the petition of *William Rice*, in behalf of the inhabitants of the town of *Sudbury*, praying for an abatement of the fine in State tax, No. 3, for the year 1783, for not sending a Representative for the year 1782, for reasons set forth in the petition:

Resolved, That the prayer of the petition be so far granted, as that one moiety of the fine, viz. eighteen pounds seventeen shillings, and six pence be abated, and that the Treasurer be, and he is hereby directed to discharge the town of *Sudbury* the aforesaid sum of eighteen pounds seventeen shillings and six pence in the last State tax.

LXVI.

Resolve empowering the Court of General Sessions of the Peace for the county of *Berkshire*, to apportion fifteen hundred pounds upon the several towns in the said county, for defraying county charges. July 5, 1784.

Whereas

Whereas it is represented to this Court, by the Court of General Sessions of the Peace for the county of *Berkshire*, that the sum of fifteen hundred pounds is necessary for erecting a goal, goal-house and court-house in the town of *Lenox* :

Therefore Resolved, That the Court of General Sessions of the Peace for the county of *Berkshire*, be, and they hereby are empowered and directed, to levy and apportion the said sum of fifteen hundred pounds, upon the several towns and other places within the said county, for the purposes aforesaid.

LXVII.

Resolve on the petition of *Esra Sargeant*, Esq; in behalf of the town of *Malden*, abating a fine laid upon the said town. July 5, 1784.

On the petition of *Esra Sargeant*, praying for an abatement of the fine set upon the town of *Malden*, for not sending a representative to the General Court of this Commonwealth, in the year 1782, in the tax act of 1783, for reasons set forth in the said petition :

Resolved, That the town of *Malden* be abated one moiety of the said fine, viz. fourteen pounds, four shillings and two pence ; and that the Treasurer of this Commonwealth be directed to discharge the town of *Malden* that sum in the last tax act accordingly.

LXVIII.

Resolve abating a fine laid upon the town of *Westminster*, for not sending a Representative. July 5, 1784.

On the petition of the selectmen of *Westminster*, praying the abatement of a fine set against the said town for neglecting to send a Representative in the year 1782 :

Resolved, That the prayer be so far granted that the sum of sixteen pounds, two shillings and six pence be allowed to the town of *Westminster* ; and that the Treasurer be, and is hereby directed to credit the said town for that sum in their State tax for the year 1783.

XIX.

Resolve on the petition of *Moses Stebbins* and others, directing the Treasurer to credit the town of *Wilbrabam* a certain sum of money. July 5, 1784.

On the petition of *Moses Stebbins*, *James Warrinnor* and *Eldad Stebbins*, committee for the town of *Wilbrabam*, praying for abatement of a fine set against the town of *Wilbrabam*, of forty-seven pounds, nineteen shillings and four pence, for not sending a Representative to the General Court, in the year 1781 and the year 1782, to represent the said town of *Wilbrabam* in the General Court, for reasons set forth in the said petition :

Resolved,

Resolved, That the prayer of the petition be so far granted, that one half of the abovesaid fine be abated; and that the Treasurer of this Commonwealth be, and he hereby is directed, to credit the town of *Wilbraham* the sum of twenty-three pounds, nineteen shillings and eight pence, on the last State tax, granted by the General Court in *March*, 1783, in which tax the abovesaid fine was set against the town of *Wilbraham*.

LXX.

Resolve discharging a committee appointed the twenty-first of *September*, 1780, to lay out six thousand acres of land to *Arthur Lee*, Esq; and appointing *John Lewis* and others, Esq's; to perform the business assigned them. *July 5*, 1784.

Whereas by a resolve of the General Court, passed the twenty-first day of *September*, one thousand seven hundred and eighty, a grant of six thousand acres of the unappropriated lands laying eastward of *Saco River*, was made to *Arthur Lee*, Esq; in compensation of his services as agent for this State, in *Great-Britain*, in the year one thousand seven hundred and seventy-five; and *Benjamin Chadburne* and *Moses Little*, Esq's. were appointed a committee to lay out the same, and perform other services, as by the said resolve will appear; and by a subsequent resolve, *Jonathan Greenleaf*, *David Sewall*, and *Nathaniel Wells*, Esq's. were joined to the said committee, but the affairs of the said committee have been so circumstanced as to render the performance of the business aforesaid impracticable:

Therefore Resolved, That the committee aforesaid be, and hereby are discharged; and that *John Lewis*, *Edward Ruffel* and *Iaac Parsons*, Esq's. be, and hereby are appointed a committee to perform the business specified in the aforesaid resolve of the twenty-first of *September*, one thousand seven hundred and eighty.

LXXI.

Resolve on the petition of *John Graff*, directing the committee for settling with the *Massachusetts* line of the army, to consolidate the bounty of three hundred dollars promised to the soldiers, by a resolve of the first of *October*, 1779, &c. *July 6*, 1784.

On the petition of *John Graff*, praying for a bounty promised by this State to him, as one of those soldiers who have served in the *Massachusetts* line of the army of the United States, during the late war:

Resolved, That the committee for settling with the *Massachusetts* line of the army of the United States, be, and hereby are directed, to consolidate the bounty of three hundred dollars promised by a resolve of the General Court of *October* the first, 1779, to each non-commissioned officer and soldier, who then had, or since has enlisted as one of this State's quota of the said army, during the continuance of the late war; and when it shall appear to the said committee, that any of the said soldiers have not received the aforesaid bounty, they shall return a certificate of the con-

valued value of the said bounty, to the Governor and Council, who are hereby authorized to issue a warrant on the Treasurer for the same; and the committee aforesaid shall charge the several sums they shall thus certify, to the United States.

LXXII.

Resolve intitling *Caleb Atherton* to half pay, to commence from *May, 1778*, till further order. *July 6, 1784.*

On the representation of *John Lucas*, Commissary of pensioners, in behalf of *Caleb Atherton*, a soldier in *Captain Adams's* company, in *Col. Brooks's* regiment, in the service of the United States, setting forth that the said *Caleb Atherton* was deprived of eye sight while in the said service; and it appearing by a certificate from the Governor and Council agreeable to a resolve of Congress dated the twenty-fifth of *September, 1778*, that the said representation is true:

Therefore Resolved, That the said *Caleb Atherton* be intitled to half pay from the first day of *May, 1778*, till the further order of this Court, or of the Congress of the United States.

LXXIII.

Resolve for appointing agents to repair to the eastern part of this State, to inform themselves of encroachments made by British subjects; and instructing them how to proceed. *July 7, 1784.*

Whereas the United States in Congress assembled, on the twenty-sixth day of *January* last past, recommended to the Governor of this Commonwealth to cause enquiry to be made whether encroachments had actually been made on the territories of this State by the subjects of his Britannic Majesty, from the government of *Nova-Scotia*: and it appearing that great encroachments have been made on the said territories:

Resolved, That three gentlemen be appointed by the General Court, whose duty and business it shall be to repair to the eastern part of this State, and there inform themselves what encroachments have been made by his said Britannic Majesty's subjects, on the territories of this Commonwealth, and if they find such have been made, that they make representation thereof to the Governor of *Nova-Scotia*, and request him in a friendly manner, and as a proof of that disposition for peace and harmony which should subsist between neighbouring States, to recall from off the said territory the said subjects of his Britannic Majesty, so found to have encroached thereon; that they receive any communications on the said subject which may be made by the said Governor of *Nova-Scotia*, and make report of their proceedings herein to the General Court.

Resolved, That his Excellency the Governor make a commission under the seal of the Commonwealth, to the agents to be appointed as aforesaid to transact the said business, and transmit to the said Governor of *Nova-Scotia*, a copy of these resolves.

LXXIV.

A grant of forty-two pounds to Mr. *William Baker*, in full to the 25th of *May* last. July 7, 1784.

On the petition of Mr. *William Baker*, praying for allowance for his services as messenger to the General Court :

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to *William Baker*, the sum of forty-two pounds, in full for his services as messenger to the General Court, to the twenty-fifth day of *May* last.

LXXV.

Resolve approving the licences given by the Governor to *George Spooner* and others, late absentees. July 7, 1784.

Whereas the Governor, with the advice of the Council, hath granted licence to *George Spooner*, *John Amory*, *Thomas Oxnard*, *Nathaniel Chandler*, *Thomas Brattle*, *David Greene* and *Iaac Winslow*, to reside within this Commonwealth :

Resolved, That the licences granted as aforesaid be, and hereby are approved, and shall be continued in force until the third Wednesday of the next setting of the General Court, provided the Governor with the advice of the Council shall judge the continuance of the persons above-named not incompatible with the safety of the Commonwealth.

LXXVI.

Resolve on the memorial of *William Lithgow*, jun. Esq; directing the Treasurer to stay his executions against the several towns in the county of *Lincoln*, for deficiencies of men and beef. July 7, 1784.

Whereas the memorial of *William Lithgow*, jun. Esq; of the thirty-first of *January*, 1784, in behalf of the inhabitants of the county of *Lincoln*, for reasons set forth in the said memorial, praying that the said inhabitants may be exempted from the payment of the tax assessed upon them for not procuring their respective quotas of three years and three and five months men for the army, amounting to the average price of the said respective quotas ; and also for the deficiencies in procuring beef, is referred over to the next session of the General Court :

Therefore Resolved, That the Treasurer of this Commonwealth, be, and hereby is directed, to stay execution against the several towns in the said county of *Lincoln*, so far as respects their deficiencies in procuring men and beef, until the end of the next setting of the General Court, any resolve to the contrary notwithstanding.

LXXVII.

Resolve directing the Commissary-General to make certain repairs, reported by the committee, to the castle in *Boston* harbour. July 7, 1784.

The committee appointed to view the state of the castle in *Boston* harbour, take leave to report that they have attended the service, and find the stone-wall at the south-east part of the island (under *Sbirley-Battery*, so called) in such a state as to require an immediate repair; also a continuation of the said wall so far inclining to the southward as to secure a very valuable well, and the earth that supports the foundation of the bastion contiguous to the principal magazine; otherwise, in all probability, before another season it will be attended with double the expence and a total loss of the well: several other repairs to the wharves, if soon made, will prevent a considerable additional expence.

They also report it necessary that doors be made for several of the barracks that are wanting, and that they be inclosed as soon as may be:

That coverings be made for the carriages of the cannon, and a quantity of plank provided against another season, for repairing a number of carriages that are in a degree uselets, and also a quantity of plank for platforms.

It will be for the advantage of the Commonwealth, to have a low wall continued round the west head, so called, to the south point, the next year, as for want of such a wall great quantities of the earth have washed into the sea.

The committee find all the military apparatus, excepting the carriages before-mentioned, in exceeding good order; and that the garrison consists of fifty men only, including non-commissioned officers and privates, which number have been the peace establishment for near a century, and a less number the committee apprehend will be inadequate for the garrison; all which is humbly submitted.

COTTON TUFTS, per order.

July 7, 1784.

Read and accepted, and

Resolved, That the Commissary-General take order that the necessary repairs be made to the castle in *Boston* harbour, pursuant to the foregoing report.

LXXVII.

Grant of fifty pounds to the commissioners to ascertain, &c. the boundary line between this Commonwealth, and the eastern part of the State of *New-York*. July 7, 1784.

Resolved, That there be paid out of the treasury of this Commonwealth, to *Joseph Hawley*, *Timothy Edwards*, *Caleb Strong* and *Theodore Sedgwick*, Esq's. the commissioners by law appointed on the part of this State, in conjunction with commissioners appointed on the part of the State of *New-York*, to ascertain, run and mark the boundary line between this Commonwealth and the eastern part of the said State of *New-York*, the sum of fifty pounds, they the above named commissioners to be accountable for the expenditure thereof, in the performance of the business aforesaid.

LXXVI.

LXXIX.

Resolve on the petition of *Elibu Gifford*, to notify *John Bean* to appear on the second Thursday of the next session of the General Court to shew cause. July 7, 1784.

On the petition of *Elibu Gifford*, praying for relief in *John Bean's* action against him :

Resolved, That the petitioner notify the said *Bean* to appear on the second Thursday of the next session of the General Court, by serving him with, or leaving at his last and usual place of abode, at least twenty days before the said time of appearance, a copy of the said petition and this resolve (properly attested) to shew cause, if any he hath, why the prayer of the petition should not be granted ; and the execution in the said action, and all proceedings thereon, are stayed in the mean time.

LXXX.

Resolve on the petition of *Josiah Moore*, intitling him to a new trial on the action mentioned, &c. July 7, 1784.

On the petition of *Josiah Moore*, praying for a new trial in an action brought against him by *Edward Reymond* and *Hepzibah* his wife, administratrix on the estate of *Jonham Bush*, late of *Sbrewsbury*, deceased, on which suit a judgment was recovered against the petitioner on default, at the Court of Common Pleas holden at *Worcester*, in *March*, 1781, for reasons mentioned in the said petition :

Resolved, That the petitioner be, and he hereby is intitled to a new trial on the action aforesaid ; and the Justices of the said Court of Common Pleas, at their sessions to be holden at *Worcester*, for and within the county of *Worcester*, on the first Tuesday of *September* next, be, and they hereby are authorized and fully empowered to resume the aforesaid action. take off the default, and proceed to a trial in the same manner as they legally might on a new entry, the petitioner first serving the adverse party with an attested copy of this resolve, fourteen days at the least before the aforesaid first Tuesday of *September* next ; and that execution on the former judgment be staid in the mean time, any law to the contrary notwithstanding.

LXXXI.

Resolve for pensioning Capt. *John Slewman*, and intitling him to half pay as a Captain. July 8, 1784.

Upon the representation of *John Lucas*, Commissary of pensioners, in behalf of Capt. *John Slewman*, of Col. *Crane's* regiment of artillery, who received a wound in the head at the battle of *German-Town*, on the fourth of *October*, 1777, by which wound he is rendered incapable of following any useful employment for obtaining his support :

Resolved, That the said Captain *John Slewman* be intitled to receive half

half pay as a Captain in the corps of artillery, from the time of his discharge from the army, 'till the further order of Congress or the General Court of this Commonwealth.

LXXXII.

Resolve for transferring a commission appointing *Ebenezer Bridge* and *Nathan Dane*, Esq's. to treat with the Indians, to *Benjamin Lincoln*, Esq; and others. July 9, 1784.

Whereas the General Court, by a resolve dated the second day of July instant, appointed *Ebenezer Bridge* and *Nathan Dane*, Esq's. commissioners to treat with the Indians of the *Penobscot* tribe, for the purposes in the same resolve mentioned, since which *Benjamin Lincoln*, *Henry Knox* and *George Partridge*, Esq's. have been appointed commissioners to inquire into the encroachments made by the subjects of the King of *Great-Britain*, on the territory of this Commonwealth, and it appearing that the commissioners last appointed can conveniently attend on the subject matter of both commissions: *Therefore*,

Resolved, That the commission aforesaid of the said *Ebenezer Bridge* and *Nathan Dane*, Esq's. cease, and the said *Benjamin Lincoln*, *Henry Knox* and *George Partridge*, Esq's. are hereby vested with all the authorities and powers which in the commission to the said *Bridge* and *Dane* were given to them.

LXXXIII.

Order directing the Treasurer to lay an account of balances due from collectors, &c. before the General Court, on the first week of the next session thereof. July 9, 1784.

Ordered, That the Treasurer of this Commonwealth, be, and he hereby is directed, to lay before the General Court, in the first week of the next session thereof, an account of the respective balances due from the collectors in the several towns in the Commonwealth for taxes; together with the sum total of the balance due to this Commonwealth in out-standing debts and taxes, and also an account of the amount of the gold and silver notes, so called, not consolidated, and what interest may be unpaid thereon.

LXXXIV.

Resolve on the petition of *Daniel Witt* of *Paxton*, remitting six hundred pounds of the debt mentioned. July 9, 1784.

On the petition of *Daniel Witt* of *Paxton*, shewing that he was prevailed on by *Samuel Stearns*, to be bail for the said *Samuel's* appearance at the Supreme Judicial Court, holden at *Worcester*, where the said *Samuel* failed to appear, and thereby the Commonwealth hath obtained judgment against the said *Daniel* for a sum, the payment whereof would utterly ruin him, and that he has caused the said *Samuel* to be apprehended and confined

fin'd in the common goal in *Worcester*, and it appearing from the record of the said Supreme Judicial Court, that the contents of the said Judgment amounts to the sum of six hundred and ninety-four pounds eight shillings debt, and six pounds five shillings and two pence, cost :

Resolved, That the sum of six hundred pounds of the debt aforesaid, be, and hereby is remitted, and the said *Daniel* thereof discharged, and that execution be done only for the residue of the same judgment, *viz.* for the sum of one hundred pounds thirteen shillings and two pence.

Read, and thereupon *Ordered*, That the further consideration of the said petition be referred to the next session of this Court, and that execution be stayed in the mean time.

LXXXV.

Resolve on the petition *Jacob Sheafe* and others, inhabitants of the State of *New-Hampshire*, directing the collectors of impost and excise, to suspend prosecuting the bonds taken by them. July 9, 1784.

On the petition of *Jacob Sheafe* and others, (inhabitants of the State of *New-Hampshire*) praying that the bonds given for impost on goods imported into this Commonwealth, and exported to said State of *New-Hampshire*, may be cancelled :

Resolved, That the collectors of impost and excise in this Commonwealth, who may have taken bonds of any of the inhabitants of the State of *New-Hampshire*, for the payment of the impost on goods, be, and they are hereby directed, to suspend prosecuting said bonds until the second Tuesday of the next session of the General Court, provided the obligor or obligors shall produce sufficient evidence to the said collector or collectors, that the goods so bonded, were exported whole and entire out of this Commonwealth, to the said State of *New-Hampshire*.

LXXXVI.

Resolve granting four thousand pounds to the committee for examining and passing accounts. July 9, 1784.

Resolved, That there be paid out of the treasury of this Commonwealth, to the committee on accounts, four thousand pounds, to enable them to pay such accounts as have been or may be by them examined and allowed, the said committee to be accountable for the expenditure of the same.

LXXXVII.

Resolve on the petition of *Moses Fitch*, granting him fifteen pounds, nineteen shillings and four pence, to discharge the accounts mentioned. July 9, 1784.

On the petition and memorial of *Moses Fitch*, praying an allowance for his expence and loss of time, occasioned by a wound received in a battle at the *White-Plains*, in the year 1776 :

Resolved,

Resolved, That the prayer of the said petition and memorial be granted, and that there be allowed and paid out of the public treasury of this Commonwealth, to the said *Moses Fitch*, in full discharge of his account (including the doctor's bill) the sum of fifteen pounds, nineteen shillings and four pence.

And whereas there was no hospital established at the said *White-Plains* at the time of the said battle, for the reception of wounded soldiers :

Therefore further Resolved, That the said sum of fifteen pounds, nineteen shillings and four pence, be charged to the United States.

LXXXVII.

Resolve on the petition of *Reuben Henman*, in behalf of the town of *Adams*, directing the committee for the sale of absentees estates in the county of *Berkshire*, to examine the claims of the town of *Adams* against the estates of *Elisba Jones* and *John Murray*. July 9, 1784.

On the petition of *Reuben Henman*, in behalf of the town of *Adams* :

Whereas by a resolve of the sixth of *March*, 1782, that part of the town of *Adams*, formerly called *East-Hoosuck*, had a reasonable time allowed them in due course of law to establish their claims to all lands due to them from the confiscated estates of *Elisba Jones* and *John Murray*. And whereas the time allowed the Judges of Probate to receive and examine the claims on the said estates is expired, which renders it impracticable for them in that way to establish their claims :

Resolved, That the committee for the sale of absentees estates in the county of *Berkshire*, be, and they are hereby empowered and directed, previous to their making sale of the said estates, to examine the claims the said town of *Adams* have against the estates of *Elisba Jones* and *John Murray*, on account of lands reserved in the original grant of the said township for public uses : And the committee aforesaid are likewise empowered and directed to set off to the said town of *Adams*, out of the confiscated estates aforesaid, to much as they shall judge to be an equivalent for the lands which for the said town may in their judgment establish a legal claim against the estates of the said *Jones* and *Murray*.

LXXXVIII.

Resolve granting one hundred thirty-six pounds, to *Jabez Hatch*, Esq; late Deputy Quarter-Master-General, to discharge an engagement of *John Torrey*, Esq; to *Aaron Migbill*. July 9, 1784.

Whereas the judgment which *Aaron Migbill*, Esq; hath recovered against *John Torrey*, Esq; late assistant Deputy Quarter-Master-General, at the Court in the county of *Hampshire*, on the last Tuesday of *August* last past, for the sum of one hundred and thirty-six pounds, fifteen shillings and seven pence, was on an engagement made by the said *John Torrey*, to pay the said *Aaron Migbill* for transportation of Continental property from *Springfield* to *Claverack* :

Resolved,

Resolved, That there be paid out of the public treasury, to *Jabez Hatch*, Esq; late a Deputy Quarter-Master-General, the sum of one hundred and thirty-six pounds, fifteen shillings and seven pence, to be by him applied for the discharge of the debt abovementioned, and that the same be charged to the account of the United States.

LXXXIX.

Resolve pensioning *Jeremiah Robbins*, a soldier, till further order. July 9, 1784.

On the representation of *John Lucas*, commissary of pensioners, in behalf of *Jeremiah Robbins*, a soldier, who was wounded in the service of the United States :

Resolved, That the said *Jeremiah Robbins*, be intitled to one eighth part of pay as a soldier, from *January* the first, one thousand seven hundred and eighty, 'till the further order of the General Court or Congress.

XC.

Resolve pensioning *William Parker*, a soldier, 'till further order. July 9, 1784.

Upon the representation of *John Lucas*, commissary of pensioners, in behalf of *William Parker*, a soldier in Colonel *Samuel Johnson's* regiment, Captain *Samuel Johnson's* company of militia, who was wounded at the battle of *Stillwater*, on the seventh of *October*, 1777, by a musquet ball, in his hip :

Resolved, That the said *William Parker* be allowed one eighth part pay as a private soldier, from the thirteenth day of *December*, 1777, the time of his discharge, until the further order of the General Court or the Congress.

XCI.

A grant to the Hon. President of the Senate and Hon. Speaker of the House, and Clerks of the Senate and House. July 9, 1784.

Resolved, That there be granted and paid out of the public treasury of this Commonwealth, to the Honorable *Samuel Adams*, Esq; President of the Senate, the sum of six shillings per day, for each day's attendance the present session of the General Court : and also to the Honorable *Samuel A. Otis*, Esq; Speaker of the House of Representatives, the sum of six shillings per day, for each day's attendance on the General Court the present session, over and above their respective pays as members of the General Court :

And it is further Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to Mr. *George Minot*, clerk of the House of Representatives; and also to Mr. *William Baker*, jun. clerk of the Senate, the sum of forty pounds each, in part for their services as clerk of the House of Representatives and clerk of the Senate, the present year.

XCH.

Resolve directing how the members of the General Court shall be paid for their attendance the present session. July 9, 1784.

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed, to pay to each member of the General Court, out of that part of the second moiety of the continental tax which is appropriated to the use of this government, two thirds of the sum due to such member on the pay roll, for travel and attendance, during the present session of the General Court, and the remaining sum by a certificate on a collector or constable, to be discounted or paid out of the same tax appropriated as aforesaid.

XCIII.

Resolve for printing two thousand six hundred of the schedule for taking a new valuation. July 9, 1784.

Resolved, That there be printed two thousand six hundred of the schedule for taking a new valuation, agreeable to the act passed this session for that purpose; and the Secretary is hereby authorized and empowered to send with the valuation to each of the towns in this Commonwealth, a sufficient number for each town of the said schedules.

XCIV.

Resolve on the petition of the first parish in *Bradford*, empowering *Samuel Trask, jun.* to collect rates and taxes. July 9, 1784.

On the petition of *John Hovey, Enos Bishop* and *Peter Gage*, a committee of the first parish in *Bradford*, praying that *Samuel Trask, jun.* who was chosen a collector in *March, 1783*, to collect the rates and taxes of said first parish, of that year, might be empowered to collect such rates and taxes, notwithstanding his neglecting to be sworn within the year for which he was chosen:

Resolved, That the prayer of the petition be granted, and that *Samuel Trask, jun.* who was chosen a collector for the said first parish in *Bradford*, for the year 1783, notwithstanding he was not sworn within the year for which he was chosen, be, and he hereby is authorized and empowered, to collect (upon his being sworn) all such rates and taxes as have been duly assessed on the inhabitants of the said first parish, within the year for which he was chosen, and which were committed to him to collect, as fully as if he had been sworn within the year for which he was chosen.

XCV.

Resolve appointing a committee to make repairs to the State-House and the house where the Governor and Council sit, and granting two hundred pounds for the purpose. July 9, 1784.

Resolved, That *William Heath, Thomas Dawes, and Joseph Hosmer, Esq's.* be, and they are hereby appointed a committee to make such repairs as they

they shall judge necessary to the State-House where the General Court now set; and also to the House where the Governor and Council set.

And it is further Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the said committee, the sum of two hundred pounds, they to be accountable therefor, and lay their accounts before the General Court for examination and allowance.

XCVI.

Resolve on the petition of the selectmen of *Stockbridge*, directing the Treasurer to credit the said town for a certain quantity of beef, and to recall his execution. July 9, 1784.

On the petition of the selectmen of *Stockbridge*, praying, for reasons set forth in said petition, that the said town may be credited for the whole quantity of beef required of them by a resolve of the General Court, passed on the twenty-second day of *June*, in the year 1781.

Resolved, That the prayer of the said petition be granted, and that the Treasurer of this Commonwealth, be, and he hereby is directed to credit the said town accordingly for the said quantity of beef, amounting in the whole to four thousand eight hundred and seventy-four pounds, (two receipts for part of the same beef, having been lost notwithstanding) and that the said Treasurer be, and hereby is directed to recall his execution issued against the said town on account of the said beef.

XCVII.

Resolve on the petition of *Benjamin Evans*, directing a new trial in an action brought against the inhabitants of *Salisbury*, &c. July 9, 1784.

On the petition of *Benjamin Evans*, praying that they may have a new trial in an action brought by *Joseph Page*, and another against the inhabitants of *Salisbury*, for reasons set forth in said petition:

Resolved, That the prayer of the petition be so far granted, that the petitioner serve the adverse party, with an attested copy of this petition, with this order thereon, at least fourteen days before the second Wednesday of the next session of the General Court, to appear and shew cause (if any they have) why the prayer of said petition should not be granted, and in the mean time execution be staid thereon.

XCVIII.

Resolve directing *Richard Devens*, Esq; to man and fit the State yatch. July 9, 1784.

Resolved, That *Richard Devens*, Esq; Commissary-General of this Commonwealth, be, and he is hereby directed to man and fit the State yatch in a suitable manner, to receive on board the agents, who have been appointed to ascertain the encroachments made on the eastern part of this
Common-

Commonwealth, which yatch, so fitted and manned, is to attend on said agents in the prosecution of the business aforesaid; and the Commissary aforesaid is further directed, to provide the necessary stores and provisions for the agents aforesaid, and the crew of said yatch.

XCIX.

Resolve on the request of a number of the inhabitants in the county of *Lincoln*, appointing *Ebenezer Bridge*, &c. for a committee, to repair to the several towns mentioned, and view their situation and report. July 9, 1784.

On the request of a number of the inhabitants in the county of *Lincoln*, in behalf of the towns of *New-Castle*, *Walpole*, *Bristol*, *Waldoborough*, *Warren*, *Thomastown*, the plantation of *Sterlington*, and *Booth-Bay*, praying that a committee from the General Court may be sent to view the circumstances of the said towns, at the expence of the same:

Resolved, That *Ebenezer Bridge* of *Chelmsford*, *Ebenezer Marsh* of *Newbury*, and *John Hill* of *Berwick*, Esqrs. be a committee to repair to the said towns, as soon as may be, view their circumstances, and report a state of facts, at the next session of the General Court, the said towns defraying the expences that shall be incurred in performing this business.

C.

A grant of three hundred pounds to *Richard Devens*, Esq; Commissary-General, for repairs at the Castle. July 9, 1784.

Whereas it appears by a report of a committee of both Houses made the present session, that sundry repairs are indispensibly necessary at *Castle-William*; which repairs, the Commissary-General has been directed to make; and in order to enable the Commissary-General seasonably to compleat the said repairs:

Resolved, That there be paid out of the public treasury to *Richard Devens*, Esq; Commissary-General, the sum of three hundred pounds, to be by him applied for the purpose aforesaid, for which he is to be accountable.

CI.

Resolve on the petition of *Joseph Dyer*, granting him twenty pounds in specie. July 9, 1784.

On the petition of *Joseph Dyer*, a soldier in Colonel *Hazen's* regiment, praying for an allowance of a bounty of twenty pounds, promised to those who engaged in the first three years service, which bounty he has not received:

Resolved, That the prayer of the petition be granted, and that there be allowed and paid to *Joseph Dyer*, out of the treasury of this Commonwealth, the sum of twenty pounds in specie notes, bearing date. January 31, 1777.

A grant

CII.

A grant of one hundred and fifty pounds to the committee to perform certain duty in the county of *Lincoln*. July 9, 1784.

Resolved, That there be paid out of the public treasury, to the committee appointed to perform certain duty in the county of *Lincoln*, by a resolve of the General Court, of the twenty-eighth of *October* last, the sum of one hundred and fifty pounds, to enable them to execute the business required of them by the resolves of the General Court; the said committee to be accountable for the expenditure of the same.

CIII.

Resolve directing the committee for examining into the state of unappropriated lands in the county of *Lincoln*, &c. and vesting them with certain powers, &c. &c. July 9, 1784.

Resolved, That the resolve of the General Court, of the twenty-second of *March* last, so far as it includes the acceptance of the second clause of a report of the committee for examining into the state of the unappropriated lands in the county of *Lincoln*, made the nineteenth of the said *March*, be, and it is hereby repealed.

Resolved, That the said committee be, and they are hereby directed, to lay out as many more townships, in the said county of *Lincoln*, besides those mentioned in their said report of the nineteenth of *March* last, as they can in the course of the present season; and in such parts of the said county of *Lincoln*, as they shall judge most conducive to the interest of this Commonwealth; of which townships they are directed to run only the outside lines, obtaining the best information within their power of the quality of soil, and the circumstances of each township or tract of land so laid out; each of the said townships to contain six miles square, as near as may be; and in the admeasurement of them no allowance to be made for ponds, bogs or meadows, and when sold no allowance shall be made to the purchaser for any loss or deficiency on account thereof.

Resolved, That the said committee be, and they are hereby directed and empowered to dispose of the said townships by them laid out as aforesaid, for the most they can obtain in the public consolidated securities of this Commonwealth, or for the notes given by the Treasurer thereof, to the officers and soldiers of the Continental army, which may have, or shall become due in either of the years, 1784, 1785 or 1786, the same to sell either at public auction or private sale, as to them shall appear most conducive to the public interest, and in the conveyance of each township, they are directed to appropriate two hundred acres for the use of the ministry, two hundred acres for the first settled minister, two hundred and eighty acres for the use of the grammar-school, and two hundred acres, near the centre of the town, for the future disposition of the General Court.

Resolved, That the said committee be directed to give public notice as soon as may be, that the aforesaid lands are now laying out for sale as

aforesaid ; and the said committee are directed, as soon as they shall be possessed of due returns of the surveys, and are in a condition for the sale of any of the said lands, that they shall advertize the same for sale, and proceed without delay therein ; disposing of the said lands in greater or lesser quantities, as they shall judge most for the benefit of the Commonwealth ; and in the sale of the said lands, where they have been previously occupied, they are directed to govern themselves in the sale thereof according to the circumstances of the case ; and the said committee are directed to agree upon some regular mode for the transacting the said business, and one at least of the said committee to sit in *Boston*, one or two days weekly, for six weeks successively, before the next meeting of the General Court, for the purpose of taking in any proposals or subscriptions ; and for negotiating the said business, giving public notice of the time and place of sitting.

Resolved, That the said committee be, and they are hereby empowered to employ from time to time a surveyor or surveyors, with proper chain-men, in taking such surveys and plans as they shall find necessary in the prosecution of the business of their commission, the said surveyors and chain-men to be under oath ; and to execute good and sufficient deeds of the lands they shall sell, in pursuance of this or any former resolve ; and the public securities for which the said lands are to be sold, and which they are hereby empowered to receive, the said committee are directed to deliver to the Treasurer of the Commonwealth, taking duplicate receipts therefor, one of which to be lodged in the Secretary's office ; and to make report of their proceedings and progress herein, at the next session of the General Court.

CIV.

Report of a committee to consider a transcript of a letter from the delegates of this Commonwealth in Congress, dated *June 4, 1784*, directing the Secretary to transmit the same to the delegates. *July 9, 1784*.

The committee of both Houses, appointed to take into consideration the transcript of a letter from the delegates of this Commonwealth in Congress, from G. to H. with the papers No. 19 and 20, accompanying the same, report,

That in the opinion of the committee, the conduct of the delegates respecting a peace establishment, as expressed in the transcript of the letter beforementioned, merits the highest approbation of the legislature : standing armies being dangerous to free States, in time of peace ; and that the legislature should by an incessant attention, endeavour to regulate, and at all times cause their numerous militia to be well disciplined ; as the best and most proper defence of a free republic.

The committee are further of opinion, that as a large proportion of the troops retained in the service from *November, 1783*, to the time of disbanding the army, belonged to the Commonwealth of *Massachusetts*, their delegates should continue their earnest applications to Congress, for such an allowance therefor as shall be equitable, all which is submitted.

Stephen Choate, per order.

Read

Read and accepted, and thereupon *Ordered*, That the Secretary be, and he hereby is directed, to forward to the delegates of this Commonwealth in Congress, a copy of the foregoing report.

CV.

Resolve on the petition of *William Foster* and others, late soldiers in Colonel *Joseph Webb's* regiment, directing Captain *Samuel Tay* to present an additional pay roll to the Governor and Council. July 9, 1784.

On the petition of *William Foster, Jesse Hopkins, Jesse Nichols, Samuel Todd, Nathaniel Harrod, Josiah Sterns, Samuel Eames, William Ruffel, Benjamin Lock, Jacob Richardson* and *Pomp Baldwin*, praying for consideration for services performed as soldiers in Colonel *Webb's* regiment, and Captain *Tay's* company, raised to reinforce the Continental army, in pursuance of a resolve of the legislature, of *June, 1781* :

Whereas it appears to this Court, that the persons abovenamed did serve in the capacity aforesaid, for which service they have not received pay, and that they are intitled to compensation :

Therefore Resolved, That Captain *Samuel Tay* present to the Governor and Council, an additional pay roll (containing the names of the several persons beforementioned, made out in the usual manner and form, specifying each man's time of service, from the time of his marching from home, to the thirty-first day of *October, 1781*, inclusive) for examination and payment ; and that the additional pay roll be annexed to the pay roll of the company, heretofore presented and allowed.

CVI.

Resolve permitting the town of *Windham*, to exhibit duplicate receipts of beef to the Secretary, any time before the 20th day of *July* instant, &c. July 9, 1784.

Whereas by a resolve of this Court, passed the twenty-first of *February* last, the time of returning duplicate receipts of beef, from any town which had neglected to make return, was limited to the first day of this instant *July*. And whereas it appears to this Court that the town of *Windham* did transmit their duplicate receipts of four thousand nine hundred and ten pounds to *Boston*, some time in *June* last, but the bearer of the receipts, either through mistake or neglect, did not deliver the same to the Secretary, till after the said limited time had elapsed, when the same could not be received by the Secretary.

Resolved, That the town of *Windham* be permitted to exhibit the said duplicate receipts of beef to the Secretary, any time before the twentieth of *July* instant ; and the Governor and Council are hereby empowered to receive and examine the said receipts in the same manner, and on the same condition, as if the same had been exhibited before the first day of *July* instant, any resolve to the contrary notwithstanding.



Goldthwait to the former commissioners, to consider and report thereon; their former commission being closed notwithstanding.

III.

Resolve granting to *Rebecca Munro*, six pounds three shillings and four pence; for the loss of a horse. *October 15, 1784.*

On the petition of *Rebecca Munro*, praying for allowance for the sum of six pounds three shillings and four pence, for reasons mentioned in the said petition:

Resolved, That the prayer of the petition be granted; and that there be paid out of the treasury of this Commonwealth, the aforesaid sum of six pounds three shillings and four pence, to the said *Rebecca Munro*, in full discharge of her account.

IV.

Resolve on the petition of *Martha Lee*, and others, empowering the Judge of Probate, for *Essex* county, to cause a re-examination of the claims on the estate of *Jeremiah Lee*, Esq; of *Marblehead*, deceased, *October 15, 1784.*

On the petition of *Martha Lee*, and others, praying that the Judge of Probate, in and for the county of *Essex*, may be authorized to direct the commissioners on the estate of *Jeremiah Lee*, Esq; late of *Marblehead*, in the said county of *Essex*, deceased, to sit again and examine such further claims as may be exhibited against the said estate:

Resolved, That the Judge of Probate, in and for the county of *Essex*, be, and hereby is authorized and empowered, to cause the commissioners on the estate of the said *Jeremiah Lee*, Esq; deceased, again to sit, examine and allow such further just claims against the said estate as may be exhibited; the commission of the said commissioners having expired, and returns having been made to the Judge of Probate, notwithstanding.

V.

Resolve adjourning the Supreme Judicial Court, for the county of *Essex*:
October 18, 1784.

Whereas it appears that the causes, civil and criminal, pending in the Supreme Judicial Court, in the county of *Middlesex*, are numerous and of such importance, that the time limited by law (by reason of the sitting of the same Court at *Salem*, in the county of *Essex*, in the succeeding week) will be insufficient for hearing and determining the same: It is therefore hereby

Resolved, That the Supreme Judicial Court, by law to be held at *Salem*, in the county of *Essex*, on the first Tuesday of *November* next; and all matters and things, civil or criminal, now pending, or that may be pending therein, be, and hereby are adjourned unto the second Tuesday of the same month of *November*, then to held at *Salem*, within and for the said county of *Essex*, of which jurors, parties, witnesses, and all others interested or concerned, are to take notice and govern themselves accordingly.

VI.

Resolve granting the Hon. *George Partridge*, Esq; two hundred and thirteen pounds eight shillings and two pence, in full of his account of service and expence as a delegate at Congress, to the 29th of *June*, 1784. *October* 20, 1784.

The committee to whom was committed the accounts of the Hon. *George Partridge*, Esq; for his expenditures and attendance as a delegate for this Commonwealth at Congress, have attended that service, and find the several articles therein charged properly vouched, the account right cast, and the balance in his favor to be two hundred and thirteen pounds eight shillings and two pence: Therefore,

Resolved, That there be paid out of the treasury of this Commonwealth, to the Hon. *George Partridge*, Esq; the sum of two hundred and thirteen pounds eight shillings and two pence, in full discharge of his expenditures and attendance as a delegate for this Commonwealth at Congress, from the first day of *November*, 1783, to the twenty-ninth day of *June*, following, both days inclusive (and after deducting Lord's days) making two hundred and eight days.

VII.

Resolve granting ten pounds to *John Tudor*, Esq; in full of his account of wharfage, &c. - *October* 20, 1784.

On the petition of *John Tudor*, Esq:

Resolved, That there be paid out of the public treasury, the sum of ten pounds, to *John Tudor*, Esq; in full of his account, for wharfage and dockage of the ship *John*, mentioned in his petition.

VIII.

Resolve on the petition of *John Noyes*, Esq; in behalf of *East Sudbury*, directing the Treasurer to credit said town, thirteen pounds seventeen shillings and one penny, a fine for not sending a Representative, in 1783. *October* 21, 1784.

On the petition of *John Noyes*, Esq; in behalf of the town of *East Sudbury*, praying that a fine laid on said town in the year 1783, for not sending a representative in the year 1782, be abated: Therefore,

Resolved, That the prayer of the said petition be so far granted, as that the Treasurer of this Commonwealth is hereby authorized and directed, to credit the said town of *East Sudbury*, the sum of thirteen pounds seventeen shillings and one penny, on the last State tax, granted in the year 1783, that sum being the amount of one half of the fine laid upon the said town of *East Sudbury*.

IX.

Grant of four thousand pounds to the committee on accounts. *October* 21, 1784.

Resolved, That there be paid out of the treasury of this Commonwealth to the

the committee on accounts, four thousand pounds, to enable them to pay such accounts as have been or may be by them examined and allowed, the said committee to be accountable for the expenditure of the same,

X.

Report on the Governor's message respecting encroachments, and requesting him to pursue the measures recommended by Congress the 29th *January* last, *October* 21, 1784.

The committee of both houses, appointed to take into consideration his Excellency's message of the 20th instant, with the papers accompanying the same, have attended the service and report, That in the opinion of the committee the report of the commissioners, so far as relates to the encroachments made by British subjects on the territories of the Commonwealth of *Massachusetts*, be accepted, and that his Excellency the Governor be requested immediately to pursue the measures recommended by Congress, the 29th of *January* last, respecting the same; all which is humbly submitted.

WILLIAM HEATH, per. order.

In Senate, read and accepted, and thereupon
Ordered, That his Excellency the Governor be requested accordingly.

In the House of Representatives, read and concurred.

XI.

Resolve granting *David Allen* one pound nineteen shillings and nine-pence half-penny. *October* 22, 1784.

On the petition of *David Allen*, praying for a compensation for his service as a soldier in the defence of the State of *Rhode-Island*, in 1781:

Resolved, That there be paid out of the public treasury, to the said *David Allen*, the sum of one pound nineteen shillings and nine-pence two-farthings, in full for his service as a soldier, in Capt. *Abraham Washburn's* company, and Colonel *Theophilus Cotton's* regiment, that marched for the defence of *Rhode-Island*, in *March, A. D.* 1781; it appearing to this Court that the said *David Allen* was omitted in the said Capt. *Abraham Washburn's* State pay-roll for the service aforesaid.

XII.

Resolve on the petition of *Samuel Hewston*, directing the Commissary-General to supply certain articles annually for the light-house on *Thatcher's-Island*, and granting fifty pounds for that purpose; also a grant of one hundred and twenty pounds to said *Hewston*, for his services, and establishing his pay and assistants. *October* 22, 1784.

On the petition and memorial of *Samuel Hewston*, keeper of the light-house on *Thatcher's-Island*:

Resolved, That the Commissary-General of this Commonwealth be, and he hereby is directed, to supply the said *Samuel Hewston* with the following articles, for the necessary repairs and use of the said light-house, *viz.* One hundred squares of glass, one hundred pounds weight of putty, two tin flasks, two iron kettles,

kettles, sixty bushels of charcoal, twelve cords of wood, one hundred pound weight of candles, and fifty pounds weight of cotton.

Be it further resolved, That from the second of this instant, *October*, the supplies for the said light-houses annually be as follows, *viz.* Charcoal sixty bushels, wood twenty-five cords, cotton fifty pounds, and oil in such quantities as from time to time shall be found necessary.

Be it further resolved, That there be allowed and paid to the keeper of the said light-houses for the time being, for himself and two assistants, one hundred and twenty pounds per annum; and also that he have and be allowed the profits arising from the improvement of the island on which the light-houses stand.

Be it further resolved, That there be paid out of the treasury of this Commonwealth to *Samuel Howston*, in full for his services as keeper of the said light-houses, and that of his assistants, to the second day of *October* current, one hundred and twenty pounds.

Be it further resolved, That there be paid out of the treasury of this Commonwealth to *Richard Devens*, Esq; Commissary-General, to enable him to furnish the several articles enumerated in the first of these resolves, fifty-six pounds, he to be accountable for the expenditure of the same.

Resolved, That the Commissary-General be, and he is hereby directed, annually, to supply the several articles in the second resolve mentioned.

XIII.

Resolve empowering the assessors of the district of *Carlisle* to assess upon the inhabitants of that part of the said district taken from the town of *Acton*, their just proportion of all debts due, &c. *October* 22, 1784.

Whereas in and by the act for incorporating the district of *Carlisle*, provision was made that the inhabitants of the said district should pay their full proportionable part of all public debts which were then due from the respective towns from which the said district was taken; and whereas all the inhabitants of the said district, except those taken from the town of *Acton*, have paid their proportion of the debts then due from the towns from which they were respectively taken; and it being unjust that the whole district should be assessed for any part of the debts due from the town of *Acton*, at the time of the incorporation of the said district: Therefore

Resolved, That the assessors of the district of *Carlisle* be, and they hereby are empowered and directed, to assess upon the inhabitants of that part of the said district which was taken from the town of *Acton*, their just proportion of all the debts that were due from the said town of *Acton*, at the time the district of *Carlisle* was incorporated, with the interest that shall be due when the assessment is made, according to the polls and estates for which they were respectively taxable at that time.

Provided, That where any person that was an inhabitant of that part of *Carlisle* set off from the town of *Acton*, at that time, has removed out of that part of said district, and any other person now occupies the farm or tenement from which such person removed; in such case the person now occupying such farm or tenement shall be assessed for his real estate, and that only, and the said assessors of the said district, are hereby directed to annex a warrant to said assessment in due form of law, for the collection of the same.

XIV.

Order instructing the delegates in Congress from this State, respecting gold and silver coin. *October 23, 1784.*

Ordered, That the delegates in Congress for this Commonwealth be, and they hereby are instructed to move, as soon as may be, to Congress, to take under consideration the state of foreign gold and silver coin, the rate at which they ought to pass throughout the United States; and to recommend to the several States in the Union to settle conformable thereto, the rates at which the same shall pass in their respective States.

XV.

Resolve on the petition of *Moses Little, Esq*; empowering the Justices of the Supreme Judicial Court to examine a judgment entered at the Court of Common Pleas, at *Ipswich*; and to give judgment, notifying *Lawrence Furlong*. *October 23, 1784.*

On the petition of *Moses Little, Esq*;

Resolved, That the Justices of the Supreme Judicial Court be, and they hereby are empowered, at their next term, holden in the county of *Essex*, to examine a judgment entered at the Court of Common Pleas, at *Ipswich*, on the first Tuesday of *April* last past, wherein the said *Moses* was plaintiff, and *Lawrence Furlong*, of *Newbury-Port*, defendant; from which judgment the said *Lawrence* appealed to the then next Supreme Judicial Court, holden at the said *Ipswich*, on the third Tuesday of *June* last past, when the same judgment was affirmed; and to rectify any error or mistake which may appear to have been made in rendering either of the said judgments, and to give judgment for what shall appear to be justly due, he the said *Moses* giving the said *Lawrence* or his attorney notice of this resolve; and the said Justices admitting the said *Lawrence* to have a day in Court, and to defend the said suit in the same manner he might have done if he had entered his appeal at the said Supreme Court.

XVI.

Resolve on the petition of *Robert Hooper, Esq*; directing the agents on absentees estates, in the county of *Essex*, to postpone the sale of the real estate of *Joseph Hooper*, until further order. *October 23, 1784.*

Resolved, That the agents appointed to make sale of the estates of absentees, in the county of *Essex*, be, and hereby are directed, to postpone the sale of the real estate of *Joseph Hooper*, until the further order of this Court.

XVII.

Resolve on the petition of *Levi Rawson*, permitting him to re-enter his action, and staying execution, &c. *October 23, 1784.*

Whereas it appears to this Court, that *Jabez Metcalf* recovered judgment against *Levi Rawson*, at the Court of Common Pleas for the county of *Suffolk*, on the third Tuesday of *April* last, for the sum of two hundred and seventy-nine pounds, with cost, the said *Levi* not having had notice of the suit in due form of law: Wherefore,

Resolved,

Resolved, That the execution which has issued on the said judgment, be stayed, and that the said *Rawson* have leave to re-enter the aforesaid action at the next Court of Common Pleas, to be held at *Boston*, within and for the county of *Suffolk*, on the first Tuesday of *January* next, when the same proceedings shall be had on the said action, as if the same had been regularly continued to the said term, without any default of the defendant being entered on record or judgment given thereon. *Provided*, The said *Rawson* give notice to the said *Metcalf*, fourteen days before the sitting of the said Court, by serving him with an attested copy of this resolve.

XVIII.

Resolve on the petition of *Abraham Watson*, Esq; empowering the Justices of the Supreme Judicial Court to examine a certain error of judgment, made by the Clerk of the Pleas, for the county of *Middlesex*. *October* 23, 1784.

On the petition of *Abraham Watson*, Esq; praying that an error in a judgment in his favor, against *John Geary*, may be rectified :

Resolved, That the Justices of the Supreme Judicial Court, at a Court to be by them holden at *Cambridge*, within and for the county of *Middlesex*, on the fourth Tuesday of *October* instant, be, and hereby are authorized and empowered, on complaint to them made by the said *Watson*, to examine into and correct any error or misprison that has arisen or been made by the clerk of the Court of Common Pleas, for the said county, in certifying the copies of the record of a judgment of the Common Pleas of the said county, holden at *Concord*, on the second Tuesday of *March* last past, wherein the said *Abraham Watson*, as administrator, was plaintiff, against the said *John Geary*, of *Stenham*, in the same county, on a note of hand, dated the twenty-third day of *February*, 1771, and to render judgment for any further sum that may appear to be justly due to the said *Watson*, in his said capacity, from the said *Geary*, and to issue execution thereon accordingly. *Provided*, It shall appear to the said Justices that the said *Geary* shall have had reasonable notice of this resolve.

XIX.

Resolve on the petition of *Supply Clap*, agent for merchants at *Portsmouth*, referring said cause to the next session of the General Court. *October* 23, 1784.

Resolved, That the impost officers for the county of *Suffolk*, and for the county of *Essex*, be, and they are hereby respectively directed, not to prosecute the bonds given by *John Langdon*, Esq; and others, for duties on goods imported by them, as mentioned in the petition of *Supply Clap*, their agent, until the third Wednesday of the next sitting of the General Court. *Ordered*, That the further consideration of said *Clap's* petition, and of the petition of *John Langdon*, Esq; therein referred to, together with the papers accompanying them, be referred to the next sitting of the General Court.

XX.

Resolve discharging the town of *Holliston* of one third part of their fines, for not sending a representative in the year 1781, and 1782. *October* 26, 1784.

On the petition of the selectmen of the town of *Holliston*, praying for an abatement

abatement of the fine laid on the said town of *Holliston*, for not sending a Representative to the General Court of this Commonwealth, in the years 1781, and 1782, for reasons set forth in the said petition :

Resolved, That the town of *Holliston* be discharged of one third part of the said fines, *viz.* fifteen pounds nine shillings and five pence ; and that the Treasurer of this Commonwealth be directed to discharge the town of *Holliston*, in the last tax act, the said sum accordingly.

XXI.

Resolve granting Col. *John Allan* three hundred and forty-four pounds fifteen shillings and eight-pence, being a balance due to him as Superintendent of *Indian* affairs. *October 26, 1784.*

Resolved, That there be paid out of the public treasury of this Commonwealth to *John Allan*, Esq; late Superintendent of the *Indians*, in the eastern department, the sum of three hundred and forty-four pounds fifteen shillings and eight pence, being the balance due to him on his accounts settled, the same to be charged to the United States.

XXII.

Resolve on the petition of *Paul Dudley Sargent*, empowering the committee on the subject of the unappropriated lands in the county of *Lincoln*, to survey the islands mentioned, and to convey the same by deed to the said *Sargent*. *October 26, 1784.*

On the petition of *Paul Dudley Sargent*, praying that a small cluster of islands lying in *Mispeckey-Reach*, so called, may be surveyed, appraised and granted to him and his associates :

Resolved, That the committee appointed the 28th of *October, 1783*, on the subject of the unappropriated lands in the county of *Lincoln*, be appointed and empowered to contract with and employ a trusty and accurate surveyor, with proper assistance, being first sworn to survey the said islands (being three or four in number, the largest of which hath been commonly called *Rogers's-Island*) and to return an accurate plan thereof, with a fair description of the quantity, quality and situation of the lands of the said islands, and to convey the same by deed to the said *Sargent*, and such other persons as may agree together to become purchasers thereof, upon such terms as the said committee shall think for the interest of the Commonwealth.

XXIII.

Resolve on the petition of *James Swan*, authorizing the committee on the subject of unappropriated lands, in the county of *Lincoln*, to have surveyed a certain tract of land, and to sell the same to said *Swan*.—And in case. *October 26, 1784.*

Resolved, That the committee appointed by a resolve of *October 28, 1783*, on the subject of the unappropriated lands, in the county of *Lincoln*, or a major part of them, be, and they are hereby authorized and directed, to contract with and employ an accurate and trusty surveyor, to survey *Burntcoat-Island*. (so called) in the county of *Lincoln*, with directions to return to them
the

the quantity and quality thereof, and upon receiving such return to sell the same to *James Swan*, Esq; who hath applied to purchase it, for such price as they shall judge the said island to be worth; and in case they cannot agree on terms, the said committee, or a major part of them, are directed to dispose of the same at public sale, or in such other way as they shall think will best serve the interest of the Commonwealth.

XXIV.

Resolve directing the Treasurer to continue consolidating Government securities to *March* next. *October* 27, 1784.

Resolved, That the Treasurer be, and he hereby is authorized and directed, to continue the business of consolidating Government securities, until the first day of *March* next, and on the same terms as heretofore provided.

XXV.

Resolve directing the Attorney-General to defend suits, &c. in certain cases, relative to confiscated estates. *October* 28, 1784.

Resolve empowering and directing the Attorney-General, on behalf of the Commonwealth, to prosecute and defend suits, brought or to be brought, touching confiscated estates.

Whereas actions lately have been, and may hereafter be brought for the recovery of confiscated estates or property, wherein it may be necessary for the Commonwealth to appear and defend the titles of their grantees to such estates:

Resolved, That the Attorney-General of this Commonwealth be, and he hereby is empowered and directed, in all cases where any action is depending, or may hereafter be brought in any court of law in the said Commonwealth, for the recovery of any confiscated estate or property, wherein the title of any owner or possessor thereof, claiming under the sale and warranty of the Commonwealth, shall come in question, or for the reversal of any judgment of confiscation, to appear on behalf of the said Commonwealth as attorney thereof, whenever it may be expedient for the same Commonwealth to appear, prosecute or defend as vouchers or otherwise; with full power in the name of the Commonwealth, to plead and pursue to final judgment and execution, and to bring forward and prosecute to final judgment, any action or judicial process that shall be necessary to determine in whom the right and title to any such estate or property are, with power to substitute one or more attorneys under him for any of the purposes aforesaid.

XXVI.

Resolve on the petition of *Richard Devens*, and others, empowering the Judge of Probate for the county of *Worcester*, to prolong the time for receiving the claims on the estate of *William Harris*. *October* 29, 1784.

On the petition of *Richard Devens*, *William Conant*, *John Austin*, and *Thomas Fessenden*, representing that they were not knowing to the appointment of commissioners on the claims of the creditors of the estate of *William Harris*, late of *Sterling*, in the county of *Worcester*, deceased, and praying the Judge

of Probate for the said county, may be empowered to grant a further time for the said purpose :

Resolved, That the said petition be so far granted, as that the Judge of Probate be, and he hereby is authorized and empowered, to lengthen out the time for the commissioners to sit, for the purpose of receiving the claims of the several creditors to the estate of the said *William Harris*.

XXVII.

Resolve on the petition of *John Rowe*, Esq; empowering the Judge of Probate for the county of *Middlesex*, to authorize commissioners to re-examine the claims of said *Rowe*, against the estate of *David Phipps*, Esq; and to certify the same. *October 29, 1784.*

On the petition of *John Rowe*, Esq; representing that he has a just claim against the estate of *David Phipps*, Esq; late of *Cambridge*, an absentee, and that he had no notice of the re-appointment of commissioners on the claims against the said estate :

Resolved, That the Judge of Probate for the county of *Middlesex* be; and he hereby is authorized and empowered, to authorize commissioners to re-examine the claims of the said *John Rowe*, Esq; against the said estate, in the same manner as if the same had been timely presented for re-examination ; and if the said claim shall be found just and reasonable, the said Judge of Probate is hereby directed to certify the same to the Governor and Council, who are hereby authorized to grant a warrant for the same on the treasury, to be paid out of the proceeds of said *Phipps's* estate.

XXVIII.

Resolve on the petition of *David Tilden*, empowering him to enter a complaint for the affirmation of a judgment recovered against *Stephen Maynard*, at the Supreme Judicial Court. *October 30, 1784.*

On the petition of *David Tilden*, administrator of the estate of *Ruth Parrot*, praying leave to enter his complaint at the Supreme Judicial Court, now holden at *Cambridge*, within and for the county of *Middlesex*, for the affirmation of a judgment recovered by the said *David*, against *Stephen Maynard*, of *Westboro'*, gentleman, at the Court of Common Pleas, held at *Worcester*, on the second Tuesday of *June* last, on the default of the said *Maynard*, which complaint was omitted to be entered at the Supreme Judicial Court, held at *Worcester*, within and for the county of *Worcester*, on the third Tuesday of *September* last :

Resolved, That the said *David* be, and he is hereby empowered to enter a complaint for the affirmation of the said judgment at the Supreme Judicial Court, now holden at *Cambridge*, within and for the county of *Middlesex*. *Provided*, That the said *David* give the said *Maynard* notice thereof, and that the defendant be not subjected to any greater costs than if the said judgment had been affirmed at the Supreme Judicial Court, for the county of *Worcester*, and the Justices of the said Supreme Judicial Court are hereby authorized to take cognizance of the same complaint, as if the same had been entered at the term to which the appeal was made.

XXIX.

Resolve on the petition of *Daniel Witt*, of *Paxton*, remitting six hundred pounds, and execution to be done on the residue of the judgment mentioned, for one hundred pounds thirteen shillings and two pence. *October 30, 1784.*

On the petition of *Daniel Witt*, of *Paxton*, shewing that he was prevailed on by *Samuel Stearns*, to be bail for the said *Samuel*, his appearance at the Supreme Judicial Court, holden at *Worcester*, when the said *Samuel* failed to appear, and thereby the Commonwealth hath obtained judgment against the said *Daniel* for a sum, the payment whereof would utterly ruin him; and that he has caused the said *Samuel* to be apprehended and confined in the common goal in *Worcester*, and it appearing from the record of the said Supreme Judicial Court, that the contents of the said judgment amounts to the sum of six hundred and ninety-four pounds eight shillings debt, and six pounds five shillings and two pence costs:

Resolved, That the sum of six hundred pounds of the debt aforesaid, be, and hereby is remitted, and the said *Daniel* thereof discharged, and that execution be done only for the residue of the same judgment, *viz.* For the sum of one hundred pounds thirteen shillings and two pence.

XXX.

Resolve granting a pension to *Jude Foster*. *October 30, 1784.*

On the representation of *John Lucas*, commissary of pensioners, in behalf of *Jude Foster*, a corporal, in Colonel *Asa Wetcomb's* regiment, wounded in the service of the United States:

Resolved, That the said *Jude Foster* be entitled to half-pay, from the first of *January*, one thousand seven hundred and seventy-seven, till the further order of the General Court or Congress.

XXXI.

Resolve on the petition of *Solomon Freeman*, Esq; in behalf of *Samuel Cook*, one of the collectors of *Eastham*, directing the Treasurer to receive the sum mentioned in Continental bills. *November 1, 1784.*

On the petition of *Solomon Freeman*, Esq; in behalf of *Samuel Cook*, one of the collectors in the town of *Eastham*, for the year 1780, setting forth the loss said collector is likely to sustain, by means of the late Treasurer *Gardner's* mistake in refusing to receive of the said *Cook*, a sum of old Continental money, when offered for taxes, agreeable to a resolve of the General Court, passed *July 6, 1781*, and praying relief:

Resolved, That the Treasurer of this Commonwealth be, and hereby is directed, to receive of the aforesaid collector, in Continental bills, the sum of twenty-eight hundred and fifty-one pounds four shillings, and give the said collector a discharge for the said sum; any law or resolve to the contrary notwithstanding.

XXXII.

Resolve on the petition of *Solomon Thayer*, granting him nine pounds fifteen shillings and eight pence; and to *Solomon Blanchard*, eight pounds eighteen shillings and eight pence, for service at *Rhode-Island*. November 1, 1784.

On the petition of *Solomon Thayer*, a corporal, and *Solomon Blanchard*, a private, representing that they had served for the space of five months, in a detachment for the defence of *Rhode-Island*, in Capt. *De Guiscard's* company, in 1781; that they had not been made up in the said Captain's pay-roll, and praying that they may be paid for their service:

Resolved, That there be allowed and paid out of the public treasury, unto *Solomon Thayer*, the sum of nine pounds fifteen shillings and eight pence; and to *Solomon Blanchard*, eight pounds eighteen shillings and eight pence, in full for their services.

XXXIII.

Grant of six pounds to *Benjamin Stebbins*, for taking up a deserter. November 1, 1784.

On the petition of *Benjamin Stebbins*:

Resolved, That there be paid out of the public treasury, to *Benjamin Stebbins*, the sum of six pounds, for taking up *Stephen Ward*, a deserter from the Continental army.

XXXIV.

Resolve on the petition of *Bildad Fowler*, empowering the Justices of the Supreme Judicial Court, at the next *Springfield* Court, in the county of *Hampshire*, to re-enter the action mentioned. November 2, 1784.

Resolved, That the Justices of the Supreme Judicial Court be, and they hereby are authorized and empowered, at their next term, in the county of *Hampshire*, to permit *Bildad Fowler* to re-enter an action of review, entered by the said *Bildad*, before the Superior Court of Judicature, on the fourth Tuesday of *September*, 1773, against *Matthew Noble*, executor of *Matthew Noble*, late of *Westfield*, deceased; and to receive the report of the referees that were appointed by the said Court thereon, and to give the parties a day in Court, in the same manner they would have had if no discontinuance therein had taken place, and to enter up judgment and issue execution accordingly; he the said *Bildad* giving notice to the said *Matthew* hereof, fourteen days before the next sitting of the said Supreme Judicial Court, by serving him with an attested copy of this resolve.

XXXV.

Resolve on the petition of *Josiah Jordan*, granting him twenty-eight pounds fourteen shillings, in notes, with directions to the Treasurer to post up in his office the check and number of the notes obtained by the forged order. November 1, 1784.

On the petition of *Josiah Jordan*, a soldier, in Col. *Crane's* regiment, setting forth, that he drew an order on the Treasurer of this Commonwealth, for
what

what was due to him from the 14th of *March, 1777*, to the 14th of *March, 1780*, in favour of serjeant *Howes*, which was presented for payment, but by a certificate from *John Furness, Esq*; it appears that the wages due as aforesaid, to the amount of twenty-eight pounds fourteen shillings, was paid to one *Uriah Remington*, on an order forged by the name of the aforesaid *Josiah Jordan*; the fact appearing to this Court: Therefore,

Resolved, That there be paid out of the treasury of this Commonwealth to *Josiah Jordan*, the sum of twenty-eight pounds fourteen shillings, in notes, payable at the same period as other soldiers are.

Ordered, That the Treasurer be, and hereby is directed, to post up in his office, the check and number of the aforesaid notes obtained by the forged order; and when offered for payment, or any part thereof, to retain the same in his hands, so as the offender may be brought to justice.

XXXVI.

Resolve abating all the taxes assessed on the town of *Sherburne, (Nantucket)* previous to *June, 1784*, except one thousand two hundred and twenty pounds laid on said town in *March, 1783*; for which the Treasurer is directed to issue his warrant. *November 2, 1784.*

Resolved, That all the public taxes which have been assessed and apportioned upon the town of *Sherburne*, on the island of *Nantucket*, previous to the first day of *June* last, and which remain unpaid, be, and hereby are abated, except the sum of twelve hundred and twenty pounds of the said town's proportion of the tax granted in *March, 1783*, for the use of this Commonwealth: And the Treasurer is hereby directed to issue his warrant to the Assessors of the said town of *Sherburne* for the assessment of the said sum accordingly.

XXXVII.

Resolve on the petition of *Daniel Wright*, for loss of a sloop on the expedition to *Penobscot*, in 1779. *November 2, 1784.*

On the petition of *Daniel Wright*, praying that he may be allowed and paid for a certain sloop which was his property, and was taken from him by Capt. *Johnson*, of the armed brigantine *Pallas*, and employed on the expedition at *Penobscot*, and was afterwards destroyed with the rest of the vessels on that expedition:

Resolved, That there be paid out of the treasury of this Commonwealth to the said *Daniel Wright*, the sum of two hundred pounds, (being the value of the said sloop at the time of her being destroyed) in such way and manner as other persons, whose vessels were lost or destroyed in the expedition against *Penobscot*, are paid, agreeable to a resolve of the General Court, passed the 28th of *January, 1782.*

XXXVIII.

Resolve on the petition of the Selectmen of the town of *Coxhall*, in the county of *York*, excusing *Alexander Grant*, Constable for 1781, from collection of taxes, and empowering said town to choose another in his stead. *November 2, 1784.*

On the petition of the Selectmen of the town of *Coxhall*, in the county of *York*, in behalf of the said town:

Resolved, That the prayer of the said petition be so far granted, as that *Alexander Grant*, Constable of the said town for the year 1781, be, and hereby is excused from the collection of the said town's proportion of the tax granted by the General Court in *October, 1781*; and that the execution issued against him for the same, be forthwith returned into the Treasurer's office: That the said town, at any meeting duly warned for the purpose, be, and hereby are empowered to choose a Collector for the purpose of collecting their proportion of the said tax. And the Selectmen of the said town for the time being, are hereby empowered and directed to commit the list or lists of the said tax, as assessed by the Selectmen of the said town for the year 1781, with such alterations as may be necessary, to such person as by virtue of this resolve may be duly chosen and qualified to serve as a Collector, and shall certify the same to the Treasurer of this Commonwealth; who shall thereupon issue his warrant in due form for the collection thereof and payment into the treasury, within six months from this time: And in case of failure of payment within the time limited, the said Treasurer is directed to issue his execution as in other cases. And any person who may be chosen, by virtue of this resolve, to serve as a Collector, shall be subject to the same penalties and vested with the same powers which other Collectors chosen in the month of *March* for the collection of their taxes, are subject to and vested with: And in case of refusal, the said town shall have the same power to proceed to the choice of some other person, to serve in the room of the person refusing, as in other cases.

XXXIX.

Order to the Secretary to publish the Arret of the King of *France*.
November 3, 1784.

Ordered, That the Secretary be directed to procure a translation of the arret of the King of *France*, of *May 14, 1784*; and that he cause both the original and translation to be published.

XL.

Resolve on the petition of the town of *Cape-Elizabeth*, permitting them to exhibit duplicate receipts of beef before the last of *December* next, to the Secretary, for examination before the Governor and Council. *November 3, 1784.*

On the petition of the town of *Cape-Elizabeth*, setting forth, that their duplicate receipts of beef, although seasonably returned, on account of some mistake in the form of those receipts, were sent back for amendment, by which means the time set by the Legislature for sending in such receipts, elapsed:

Resolved, That the town of *Cape-Elizabeth* be permitted to exhibit their duplicate receipts of beef to the Secretary any time before the last day of *December* next, that the Governor and Council may examine the said receipts in the same name and on the same condition as if they had been exhibited before the first day of *July* last; any resolve to the contrary notwithstanding.

XLI.

Resolve on the petition of *Margaret Mascarene*, empowering her, as guardian to her infant son, to sell the land mentioned. *November 3, 1784.*

On the petition of *Margaret Mascarene*, of *Boston*, widow of *John Mascarene*,

renc, Esq; and guardian to her infant son, *John Mascarenc*, praying, for reasons set forth in her petition, for liberty to sell and convey a tract of ten thousand acres of land situate on the eastwardly side of *Passamaquadi-Bay*, and in the province of *Nova-Scotia*, granted by Lord *William Campbell*, late Governor of that province, to *John Mascarenc* aforesaid :

Resolved, That the prayer of the petition of the said *Margaret Mascarenc* be granted. And the said *Margaret Mascarenc*, in her said capacity of guardian, is hereby authorized and empowered, to bargain and sell the said tract of land ; and to make and execute a good and lawful deed or deeds of the same, to such person or persons as may appear to purchase the same, she the said *Margaret Mascarenc*, previously to such sale, giving bond to the Judge of Probate of the county of *Suffolk*, to account for the proceeds of such sale, in like manner as guardians are accountable for personal estate.

XLII.

Order requesting the Governor to take order respecting cannon, &c. at *Gloucester*. November 4, 1784.

Whereas it appears that there are several cannon with their apparatus, and fundry military stores, belonging to this Commonwealth, now in the town of *Gloucester* :

Ordered, That the Governor be, and he hereby is requested, to give such orders for the removal or security of the said cannon, apparatus and military stores, as he may judge most conducive to the interest and safety of this Commonwealth.

XLIII.

Resolve approving licences given to certain absentees, to the third Wednesday of the next session of the General Court. November 4, 1784.

Whereas the Governor, with the advice of Council, hath granted licence to *George Spooner*, *John Amory*, *Thomas Oxnard*, *Nathaniel Chandler*, *Thomas Brattle*, *David Green* and *Isaac Winslow*, to reside within this Commonwealth :

Resolved, That the licences aforesaid be, and hereby are approved, and shall be further continued in force until the third Wednesday of the next sitting of the General Court : *Provided*, the Governor, with the advice of Council, shall judge the continuance of the persons above-named not incompatible with the safety of the Commonwealth.

XLIV.

Resolve allowing the accounts of the Treasurer of the county of *Middlesex*. November 4, 1784.

Whereas it appears upon examination of the Treasurer's accounts for the county of *Middlesex*, that they are right cast and well vouched, that all the monies granted and allowed by the Court of General Sessions of the Peace, for the said county, from *September*, 1783, to *August 24*, 1784, were for such purposes and appropriations as by law the said Court were empowered to grant :

Therefore,

Resolved, That the said accounts be accepted and allowed.

Resolve

XLV.

Resolve pointing out a mode to the committee appointed the 28th of *October, 1783*, for doing the business of their commission, relative to the unappropriated lands in the county of *Lincoln*, and appointing *Rufus Putnam, Esq;* surveyor for the purposes mentioned. *November 5, 1784.*

The committee appointed by a resolve of the General Court of this Commonwealth, of the 28th of *October, 1783*, to examine into the illegal entries upon the unappropriated lands in the county of *Lincoln*, &c. and by that and subsequent resolves, directed and empowered to examine into the authenticity of the titles of the claimants to the said lands, and the circumstances of settlers thereon; and to lay out and dispose of the said lands, &c. being particularly directed by a clause in a resolve of the 9th of *July* last, to agree on a regular mode of doing the business of their commission; submit the following mode or plan for transacting the same:

1. That the business of ascertaining the authenticity of the titles of companies and individuals to any of the said lands, and the limits and extent of their claims, and of examining into the condition and circumstances of persons settled upon the said lands, and the cases of those who claim under conditional grants made by government, of reporting a state of facts to the General Court, in some cases, and of settling with some of the above described persons in other cases, be continued without delay, in the manner already prescribed by the said resolves, and pursued by the committee.

2. That a trusty and accurate surveyor be added to the said committee, who are or shall be appointed to transact the above business, and joined in the commission so far as it relates to the locating, forming plans, and descriptions of the said lands, and fixing the rate or price at which they may be disposed of.

3. That the business of locating the said lands, and ascertaining in the best manner possible, the quality and situation thereof, be continued with all convenient dispatch, beginning upon the sea-coasts, navigable rivers, and the boundaries of lands already located, (having regard to the lands and islands the most saleable) and proceeding back towards the interior parts of the said counties in a regular manner; and that the said townships and islands, as soon as they shall be surveyed, and a plan and description thereof returned by the said surveyor, or such other surveyors as the committee may employ, be located on a plan to be formed and kept by the said committee, on a scale of not more than three miles to an inch, so that it may be seen what lands in the said county are laid out, and where they lay.

4. That one of the said committee (other than the said surveyor) shall keep an office open in *Boston*, in or near the State-House, the first and third Wednesdays and Thursdays in every month, to receive the proposals and subscriptions of those who may be disposed to become purchasers of any of the said lands, and to give them any information that may expedite the sale thereof; where the said committee shall collect and lodge the best plans of that county they can obtain, and wherein they shall regularly keep the doings of government, and the doings of their committee, respecting the said lands; and the said committee shall continue to give public notice that the said lands are laying out and ready for sale, with the terms thereof, &c. as already directed by the General Court.

5. That the said committee proceed in the disposal of the said lands, at private or public sale, for the securities of this Commonwealth, &c. and reserving eight hundred and eighty acres in each township, &c. in the same manner as is prescribed by a resolve of the General Court, of the 9th of *July* last.

6. That

6. That the said committee, or two or more of them, shall meet in the said office to make any determinations, the matters contained in their commission may require, the first Wednesday in every month, and as much oftner as the nature and circumstances of the business and the interest of the Commonwealth may make it necessary.

7. That as soon as the General Court, on their part, shall decide or determine as to the validity or extent of any private claims to the said lands, and any companies or individuals concerned, between whom and the Commonwealth the matter in controversy may be, shall not acquiesce therein, and in convenient time signify their consent to such determination; some suitable person or persons be empowered and directed without delay, on the part of the Commonwealth, to bring forward a process in law, whereby any such matter in controversy may be determined.

NATHANIEL WELLS.
NATHAN DANE.

Read and accepted, and thereupon

Resolved, That *Rufus Putnam*, Esq; be, and he hereby is appointed surveyor for the purposes mentioned; and that the committee be directed and authorized to proceed and carry into effect the said report.

XLVI.

Resolve directing the Treasurer to allow interest on public securities to the purchasers of *Brown's* estate, up to the time of payment. *November 5, 1784.*

Resolved, That the Treasurer of this Commonwealth be, and hereby is empowered and directed, to pay to the purchasers of the estate, late the estate of *William Brown*, Esq; situate in *Salem*, in the county of *Essex*, sold to them on the 12th day of *October* last, by the committee for selling confiscated estates in the said county, for Government securities, the interest due at the time of payment on such securities as the said purchasers shall pay respectively to the said committee, for such parts of the said estate as they respectively then purchased.

XLVII.

Resolve on the petition of *Benjamin Daland*, granting him one hundred and fifteen pounds fourteen shillings and five pence, and directing the Treasurer to pay by his note, one hundred and sixty-two pounds thirteen shillings. *November 5, 1784.*

On the petition of *Benjamin Daland*; praying for pay for his services in conducting the marine prisoners from *Salem* to *Boston*, and for a reimbursement of the money by him expended in this business:

Resolved, That there be paid out of the public treasury of this State, to *Benjamin Daland*, the sum of one hundred and fifteen pounds fourteen shillings and five pence, in part pay of his account, and that the Treasurer be, and hereby is directed, to pay by his note, in behalf of the Commonwealth, the further sum of one hundred and sixty-two pounds thirteen shillings, which two sums will be in full of his account; and that the same be charged to the United States.

XLVIII.

Resolve directing the Treasurer to pay to *Adonijah Rice*, notes of the same tenor and sums which were delivered upon a forged order. *November 5, 1784.*

On the petition of *Adonijah Rice*, setting forth that his son, *Samuel Rice*, was a soldier in the Continental army, from the fore part of the year 1777, until the year 1781, at which time the said *Samuel* died; and on the twenty-eighth day of *January*, 1783, a forged order was drawn in favor of one *John Kimball*, upon the Treasurer of this Commonwealth, upon which order the notes due to the aforesaid *Samuel*, deceased, was delivered, whereupon the said *Adonijah* prays for relief:

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed, to make out and pay to the said *Adonijah Rice*, notes of the same tenor and sums that those notes were of which were delivered upon the aforesaid forged order.

XLIX.

Resolve directing the Treasurer to discharge the town of *Cobasset* for their deficiencies of the beef tax, and to credit said town with a further sum. *November 5, 1784.*

On the petition of *Thomas Lotbrop*, in behalf of the town of *Cobasset*:

Resolved, For reasons set forth in the petition, That the Treasurer be, and he is hereby directed, to discharge the town of *Cobasset*, from an execution now lying against the said town, for their deficiency of the beef tax, which deficiency is the sum of eighty-one pounds three shillings and three pence, the said town of *Cobasset* paying the fees and charges that have already arisen upon the said execution.

And it is further Resolved, That the Treasurer credit the said town of *Cobasset* the further sum of eighteen pounds sixteen shillings and nine pence, out of the last State tax; the same sums being in full of the deduction which the said town of *Cobasset* was to receive, by a resolve of the General Court, dated the 11th *March*, 1784.

L.

Resolve on the petition of *David Thayer*, to notify *Silas Hodges* to shew cause, &c. the next session of the General Court. *November 5, 1784.*

On the petition of *David Thayer*:

Resolved, That the petitioner notify *Silas Hodges*, and *Amos Barret*, or their attorney, to shew cause, (if any they have) on the second Thursday of the next session of the General Court, why the prayer of the said petition should not be granted, by serving the said *Silas* and *Amos*, or their attorney, with an attested copy of his petition and this order thereon, at least ten days before the said second Thursday of the next session, and that the executions of the said *Silas* and *Amos*, against the said *Thayer*, in the mean time be stayed.

LI.

Resolve on the petitions of *Thomas Walley* and *John Simonds*, directing the Judge of Probate for the county of *Middlesex*, to appoint commissioners on the estates of *John Vassall* and *Jonathan Sewall*, for purposes mentioned. *November 5, 1784.*

On the petitions of *Thomas Walley* and *John Simonds*, praying that the Judge of Probate for the county of *Middlesex*, may be empowered to grant his warrant

rant to commissioners, for the settling the estates of *Jonathan Sewall* and *John Vassall*, Esq's. for a further time, that thereby they may have an opportunity of exhibiting their claims for allowance :

Resolved, That the prayer of the petition be so far granted, that the Judge of Probate of wills, &c. for the county of *Middlesex*, be, and he is hereby authorized and empowered, on application, to appoint commissioners to examine the claims of *Thomas Walley* and *John Simonds*, on the aforesaid estates of *John Vassall* and *Jonathan Sewall*, Esq's. for the term of one month, from the time of their appointment for the purpose aforesaid, at the expence of said *Walley* and *Simonds*, that they may have an opportunity to exhibit their claims within the term mentioned ; any law to the contrary notwithstanding.

LII.

Resolve on the petition of the Honourable *Francis Dana*, directing the Judges of Probate for the counties of *Suffolk* and *Middlesex*, to appoint commissioners to examine the claims upon the several estates mentioned. *November 5, 1784.*

Whereas the Honourable *Francis Dana*, Esq; was for a long time absent from this Commonwealth, upon important business of public concernment, by which means he was prevented exhibiting claims he had upon the estates of *David Phipps* and *Sylvester Gardiner*, absentees, until the commissioners for examining claims on the said estates had closed the business of their appointments : Therefore,

Resolved, That the Judges of Probate for the county of *Suffolk* and *Middlesex*, be, and they hereby are respectively authorized and empowered to appoint commissioners within their several jurisdictions, to receive and examine any claims that the said *Francis* may have upon the said estates, either in his own right, or as executor of the last will and testament of *Richard Dana*, Esq; deceased, and report thereon, in the same manner as tho' the said claims had been seasonably exhibited to the commissioners heretofore appointed to examine the claims on the said estates, and all such proceedings shall be had thereon, and every benefit and advantage shall enure to the said *Francis*, as though the same claims had been allowed by the former commissioners on the said estates.

LIII.

Grant of one hundred and fourteen pounds four shillings and six pence, to the Honourable *Francis Dana*, Esq; as a member of Congress, to the 26th *August* last. *November 6, 1784.*

On an account of the Honourable *Francis Dana*, Esq; exhibited to the General Court :

Resolved, That there be paid out of the treasury of this Commonwealth, to the Honourable *Francis Dana*, Esq; the sum of one hundred and fourteen pounds four shillings and six pence, in full discharge of his expenditures and attendance as a delegate for this Commonwealth at Congress, from the tenth day of *May*, one thousand seven hundred and eighty-four, to the twenty-sixth day of *August* following, both days inclusive, and making ninety-four days.

LIV.

Resolve on the petition of *Christopher Gore*, in behalf of *Champion, Dickin-son* and *Burgefs*, authorizing the Judge of Probate, for *Suffolk*, to renew the commission of insolvency on the estate of *Thomas Leverett*. *November 6, 1784.*

Upon

Upon the petition of *Christopher Gore*, in behalf of *Alexander Champion*, *Thomas Dickinson*, and *William Burgefs*, shewing that by some mistake a just claim which they the said *Alexander Champion*, *Thomas Dickinson*, and *William Burgefs*, had upon the estate of *Thomas Leverett*, late of *Boston*, deceased, insolvent, was not considered by the commissioners of insolvency on the said estate, though seasonably preferred: Therefore,

Resolved, That the Judge of Probate, for the county of *Suffolk*, be, and hereby is authorized and empowered, to renew the commission of insolvency, originally issued, to adjust the claims on the estate of the said *Leverett*, or to appoint new commissioners, as he shall think proper, whose duty and business it shall be to examine the claims of the said *Champion*, *Dickinson*, and *Burgefs*, and any others on the said *Leverett's* estate, and report the amount thereof; and upon comparison of the same, with the claims of the other creditors already allowed, to variate the report made upon the former commission, in such manner as that the same justice and rate of distribution shall enure to the said *Champion*, *Dickinson*, and *Burgefs*, as to those creditors whose claims have already been allowed, and to report the same to the Judge of Probate, which report made shall be valid, the former notwithstanding; and in case payment of any claims already allowed hath been made, the several creditors which have received the same, shall be holden to refund the same, in proportion as their several claims shall be lessened by the proceedings on this resolve.

LV.

Resolve on the petition of *Christopher Gore*, for *Champion*, *Dickinson*, and *Burgefs*, directing the Judge of Probate, for *Effex*, to appoint commissioners on the estate of *Epes Sargent*. November 6, 1784.

Upon the petition of *Christopher Gore*, in behalf of *Alexander Champion*, *Thomas Dickinson*, and *William Burgefs*, shewing that by a mistake of the administrator on the estate of *Epes Sargent*, late of *Glocester*, deceased, insolvent, a just claim of the said *Alexander Champion*, *Thomas Dickinson*, and *William Burgefs*, amounting to seventeen hundred and eighteen pounds nine shillings and nine pence sterling, was exhibited to the commissioners of insolvency on the said estate, as amounting to nine hundred pounds only, and distribution took place of the estate of the said *Epes Sargent*, agreeable thereto: Therefore,

Resolved, That the Judge of Probate of the county of *Effex*, be, and hereby is authorized and empowered to appoint commissioners to examine the justice of the said claim, and upon comparison of the report of the former commissioners as already made, to report what further sum ought to have been allowed thereon; and if any, report the same to the said Judge of Probate, who is hereby directed to cause a record thereof, together with this resolve, to be entered in the Register's Office of the said Court; and upon the distribution of the dower of the widow of the said *Epes*, such further distributive sum, with interest, shall be paid to the said *Champion*, *Dickinson*, and *Burgefs*, or their heirs, out of the said dower, in priority to any other claims, as they would have been entitled to, had their claim been wholly exhibited before the close of the commission of insolvency heretofore granted on the said estate, and as shall cause equal justice to enure to all the creditors of the said *Epes*.

LVI.

Resolve on the petition of *Elibu Gifford*, granting him a new trial in the case of *John Bean*. November 6, 1784.

On the petition of *Elibu Gifford*, praying for a new trial in an action brought against him by *John Bean*, on which suit a judgment was recovered against the petitioner on default at the Court of Common Pleas, holden at *Sherburne*, in the county of *Nantucket*, in *March, 1784*, for reasons set forth in the said petition :

Resolved, That the petitioner be, and he hereby is entitled to a new trial on the action aforesaid : And the Justices of the said Court of Common Pleas, at their sessions to be holden at *Sherburne*, within and for the county of *Nantucket*, on the last Tuesday of *March* next, be, and they hereby are authorized and fully empowered, to resume the aforesaid action, take off the default, and proceed to a trial in the same manner as they legally might on a new entry, the petitioner first serving the adverse party with an attested copy of this resolve, fourteen days at the least before the aforesaid last Tuesday of *March* next, and that execution on the former judgment be staid in the mean time ; any law or resolve to the contrary notwithstanding.

LVII.

Resolve on the petition of *Elisba Cranston*, in behalf of the town of *Ashfield*, directing the Treasurer to send his warrant to *Joseph Warren*, to collect the tax mentioned, and to stay his execution. *November 6, 1784.*

On the petition of *Elisba Cranston*, in behalf of the town of *Ashfield*, praying that the Treasurer of this Commonwealth may be directed to send his warrant to *Joseph Warren*, one of the Collectors for the said town, empowering the said Collector to collect tax No. 1, granted in *January, 1782*, from the several persons whose names are contained in the list of the said tax committed to the said Collector by the Assessors of the said town of *Ashfield* ; and that he be directed not to send any execution for the said tax against the said town, till some future time, for reasons set forth in the said petition :

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed, to send his warrant to *Joseph Warren*, the aforesaid Collector, empowering him to collect the tax aforesaid : And he is hereby further directed to stay, for the space of three months, the issuing any further execution for the tax aforesaid against either the town of *Ashfield*, or the present Collector.

LVIII.

Resolve establishing the pay of the members of the Council, and of the General Court. *November 8, 1784.*

Resolved, That there be paid out of the treasury of this Commonwealth, the sum of eight shillings to each member of the Honourable Council, and the sum of seven shillings and six pence to each member of the Honourable Senate, and the sum of seven shillings to each member of the House of Representatives, for each day they have attended the Council or General Court the present session ; also the further sum of one day's pay for every ten miles distance each member lives from this place.

LIX.

Resolve for selling the furnace, &c. at *Bridgewater*, and empowering *Hugh Orr*, Esq; to sell the same. *November 8, 1784.*

Resolved, That *Hugh Orr*, Esq; be, and he hereby is authorized and directed

ed to sell (either at public or private sale, as he shall judge best) the air-furnaces and blast-furnace, together with the boring-mill belonging to this Commonwealth at *Bridgwater*; together with all the land and appurtenances thereunto belonging, (except the machine for boring solid cannon) and give and execute a good and lawful deed or deeds of the same in behalf of this Commonwealth, and receive in payment for the same government consolidated securities, and pay the proceeds thereof into the treasury of this Commonwealth, taking duplicate receipts therefor; one of which he is directed to lodge in the Secretary's office, and make report to the General Court of his proceedings as soon as may be.

LX.

Resolve allowing the Treasurer's accounts for the county of *Plymouth*; and granting a tax of two hundred pounds for defraying the charges of said county. *November 8, 1784.*

Whereas it appears upon examination of the Treasurer's accounts for the county of *Plymouth*, that his accounts are right cast and well vouched; that all the monies granted and allowed by the Court of General Sessions of the Peace for the said county, from *October 11, 1783, to September 30, 1784*, were for such purposes and appropriations as by law the said Court were empowered to grant: Therefore,

Resolved, That the said accounts be accepted and allowed.

And whereas it appears from an estimate of the Justices of the Court of General Sessions of the Peace of the said county of *Plymouth*, made on the first Tuesday of *October, 1784*, that the sum of two hundred pounds will be necessary for defraying the charges of the said county for one year then next ensuing: Therefore,

Resolved, That there be, and hereby is granted a tax of two hundred pounds, to be apportioned and assessed on the inhabitants of the said county and estates lying within the same, and collected, paid and applied for the use of the said county, according to the laws of the Commonwealth.

LXI.

Resolve pensioning *Edmund Brit*, and entitling him to one quarter pay as a soldier. *November 8, 1784.*

On the representation of *John Lucas*, commissary of pensioners, in the behalf of *Edmund Brit*, a soldier in Colonel *Thomas Nixon's* regiment, and in *Abiel Holden's* company, who was wounded the 19th of *September, 1777*, as appears by his certificate:

Resolved, That the said *Edmund Brit* be entitled to one quarter part of pay as a soldier, from *January 1, 1780*, till further order of the General Court, or Congress.

LXII.

Resolve on the petition of the Selectmen of *Western*, directing the Treasurer to credit the town the fine mentioned. *November 8, 1784.*

On the petition of the Selectmen of *Western*, setting forth that the town was fined for not raising one three-months man, which they were directed to raise by a resolve of the 30th of *June, 1781*.

Whereas it appears to this Court that the said town of *Western* did actually raise the said man:

Resolved,

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed, to credit the town of *Western*, twenty-one pounds one shilling and eleven pence, in the state tax granted in *March 1783*, it being the fine and bounty for one three-months man.

LXIII.

Resolve on the representation of *Thomas Ivers, Esq;* relative to the accounts of Messieurs *Purviance*; and directing the committee for settling late Board of War accounts, &c. to deliver to the Treasurer the same accounts, and to employ some suitable person for the recovery of the debt. *Nov. 8, 1784.*

Resolved, That the committee for settling the accounts of the late Board of War, be, and they hereby are directed, to deliver to the Treasurer of the Commonwealth the accounts of the said Board of War against *Samuel Purviance* and *Robert Purviance, of Baltimore*, in the state of *Maryland*, merchants; and that the Treasurer employ some suitable person to take proper measures to recover from the said *Samuel* and *Robert* whatever may be due thereon to this Commonwealth.

Resolved; That the person who shall be employed by the Treasurer as aforesaid, shall have full power and authority to commence any action or actions in the name and behalf of this Commonwealth against the said *Samuel* and *Robert*, or either of them, for the recovery of any sum or sums of money due from them, or either of them, to this state; and to prosecute the same either by himself, or his substitute, to final judgment and execution.

LXIV.

Resolve empowering the Governor and Council to draw warrants in favour of officers commanding artillery companies in this Commonwealth, for erecting gun-houses, in order to deposit field-pieces, with proviso. *Nov. 8, 1784.*

Whereas standing armies in time of peace are incompatible with the safety of a free republic, and dangerous to the liberties of the people: The militia of this State, and of the United States, must therefore be considered as of great importance for the defence of the lives, rights and properties of the community. And whereas it is the ardent wish of this Legislature to have a militia respectable and well disciplined, at all times prepared to resist invasions and to repel attacks: Every encouragement should be held out which will have a tendency to preserve the martial spirit of the people, and to promote discipline: The companies of artillery in particular deserving attention, being distinguished by their usefulness and services, it is the determination of this Court to grant them every assistance in their power consistent with their duty: Therefore,

Resolved, That his Excellency the Governor be, and he is hereby empowered and requested, by and with the advice of the Council, to draw a warrant on the Treasurer in favour of the commanding officer of each company of artillery which are already, or that shall hereafter be raised, for a sum not exceeding twenty pounds; which sum, drawn as aforesaid, shall be applied for the sole purpose of erecting a gun-house, in some convenient place, for the depositing the field-pieces, and other military appendages necessary for the same—*Provided,* the said companies shall be incorporated and equipt agreeable to the militia law of this Commonwealth—*And provided also,* the said commanding officer shall, previous to his receiving the money as aforesaid, give a bond to the Treasurer of this Commonwealth, with sufficient sureties, for the sum of forty pounds, conditioned for the faithful application of the same, for the purposes herein before directed. Resolve

LXV.

Resolve approving the conduct of the Honourable *Francis Dana*, Esq; a member of Congress for this Commonwealth, in the Committee of the States, relative to the adjournment of said Committee, and directing the delegates in this case. *November 9, 1784.*

Resolved, That the Legislature approve of the conduct of Mr. *Dana*, a member for this Commonwealth, in the Committee of the States, relative to the adjournment of the said Committee; and that the delegates of this Commonwealth be, and hereby are directed, to lay before Congress the doings of the said Committee respecting the same adjournment, and the removal of the public papers and records from *Annapolis* to *Philadelphia*, and to request their opinion and order in the premises.

LXVI.

Resolve on the petition of *Andrew Brown*, Esq; directing the committee for settling with the army, to settle with the said *Brown* his arrears of pay, &c. *November 9, 1784.*

On the petition of *Andrew Brown*, Esq; an officer in the late mustering department within this State:

Resolved, That the committee for settling with the army be, and hereby are directed, to settle with and pay the said *Andrew Brown*, Esq; for his arrears of pay and year's advance agreeable to the resolve of Congress of the 12th of *October, 1781.*

LXVII.

Resolve on the memorial of *William Lithgow*, Esq; directing the Treasurer to stay executions against the several towns in the county of *Lincoln* for deficiencies in procuring men and beef, until the third Wednesday of *February* next. *November 9, 1784.*

Whereas the memorial of *William Lithgow*, jun. Esq; of the 31st day of *January, 1784*, in behalf of several towns in the county of *Lincoln*, praying (for reasons set forth in the said memorial) that the said towns may be exempted from the payment of the tax assessed upon them for not procuring their respective quotas of three years and three and five months-men for the army, amounting to the average price of the said respective quotas; and also for the deficiencies in procuring beef, is referred for consideration to the next session of the General Court: Therefore,

Resolved, That the Treasurer of this Commonwealth be, and hereby is directed, to stay execution against the several towns in the said county of *Lincoln*, so far as respects their deficiencies in procuring men and beef, until the third Wednesday in *February* next; any resolve to the contrary notwithstanding.

LXVIII.

Resolve on the petition of *Joshua Pray*, directing execution for taxes from the inhabitants of *Shapleighton*, in the county of *Tork*, to be stayed. *November 9, 1784.*

On the petition of *Joshua Pray*, in behalf of himself and others, setting forth the poverty of the inhabitants of the place known by the name of *Shapleighton*, adjacent to the town of *Labanon*, in the county of *York*, relative to taxes given him and *James Witherill* to collect of the said *Shapleighton*, praying for further time allowed them to collect the same :

Resolved, That executions respecting such a part of said taxes that are now to them respectively due from the inhabitants aforesaid, be stayed until the first day of *May* next ; and the Treasurer is directed to govern himself accordingly.

LXIX.

Resolve on a mistake on the apportionment of the Representatives pay between the town of *Acton* and district of *Carlisle*, directing the Treasurer for his government. *November 9, 1784.*

Whereas it appears to this Court, that in the apportionment of the Representatives pay in the last state tax, there is a clerical mistake between the town of *Acton* and district of *Carlisle* ; for remedy whereof,

Resolved, That the sum of thirty-seven pounds six shillings and one penny farthing be put to the said town of *Acton*, instead of twenty-two pounds fifteen shillings ; and there be put to the said district of *Carlisle*, the sum of twenty-nine pounds, three shillings and ten pence three farthings only, instead of forty-three pounds, fifteen shillings : And the Treasurer of this Commonwealth is hereby directed to govern himself accordingly.

LXX.

Resolve on the petition of *Buxton*, directing the Treasurer to discharge said town from the payment of a certain sum of money. *November 10, 1784.*

On the petition of the town of *Buxton*, setting forth that they are called upon by the Treasurer of this Commonwealth for the payment of the several taxes which were set on the plantation of *Naraganset*, N^o. 1. from the year 1761, to the year 1772, and praying for an abatement of the said taxes :

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed, to discharge the town of *Buxton* from the payment of one hundred pounds in part of two hundred and twenty pounds, one shilling and eight pence three farthings, which sum it appears the said town of *Buxton* was charged with from the year 1761, to the year 1772, while unincorporated, and which sum never has been assessed on the inhabitants of the then plantation.

LXXI.

Resolve on the petition of *Josiah Glover*, and others, inhabitants of *Squantum* in *Dorchester*, giving them leave to bring in a bill for purposes mentioned. *November 19, 1784.*

On the petition of *Josiah Glover*, and others, inhabitants of that part of *Dorchester* commonly known by the name of *Squantum*, and the farms, praying to be separated from the said town, and to be annexed to the town of *Braintree* :

Ordered, That the petitioners have leave to bring in a bill for the purpose of separating themselves, together with their estates, from the said town of *Dorchester*, so far only as respects school and parish expences and privileges,

and for the purpose of annexing the said petitioners, with their estates, to the said town of *Braintree*, so far only as relates to school expences and privileges, and to the north parish of *Braintree* aforesaid, so far only as regards parish expences and privileges.

LXXII.

Resolve on the petition of *Prince West*, directing the committee for the sale of absentees estates in the county of *Berkshire*, to give a deed of the lands mentioned, &c. November 10, 1784.

Upon the petition of *Prince West*, praying that he may have a deed of certain tracts of land described in his said petition, lately belonging to *John Murray*, Esq; an absentee; the said *Murray* having, in the year 1772, given to the said *Prince West*, together with one *Meletiah Hatch*, a bond conditioned for the conveyance of the said tracts of land, on the said *West* and *Hatch's* paying him certain sums of money, the greater part of which has been paid to the said *Murray* :

Resolved, That the prayer of the petition be granted; and that the committee for the sale of absentees estates for the county of *Berkshire*, be, and are hereby empowered and directed, to give and execute to the said *Prince West*, a good and sufficient deed of the several tracts and parcels of land described as aforesaid; the said *Prince West* first giving bond, with sufficient sureties, to the said committee, for the payment of the sum of one hundred and six pounds, together with the interest which may have arisen thereon from the sixth day of *April*, 1772, to the time of executing the deed as aforesaid.

LXXIII.

Resolve on the petition of *David Tilden*, of *Pembroke*, giving him leave to enter the complaint mentioned at the Supreme Judicial Court. November 10, 1784.

Upon the petition of *David Tilden*, of *Pembroke*, in the county of *Plymouth*, praying for liberty to enter a complaint at the Supreme Judicial Court, to be held at *Boston*, the first Tuesday of *December* next, for the affirmation of a judgment recovered by the said *David*, as administrator on the estate of *Ruth Parrot*, late of *Boston*, deceased, against *Stephen Maynard*, of *Westborough*, in the county of *Worcester*, at a Court of Common Pleas, held on the second Tuesday of *June* last :

Resolved, That the petitioner, upon giving due notice to him the said *Maynard*, have leave to enter a complaint against him at the Supreme Judicial Court, to be holden by adjournment at *Boston*, within and for the county of *Suffolk*, in *December* next, for the affirmation of a judgment recovered by the said *David*, in his said capacity, against the said *Stephen*, at the Court of Common Pleas as aforesaid : And the said Supreme Judicial Court is hereby authorized to take cognizance of the said complaint, and to affirm the said judgment as of *Worcester* term, in the same manner as if the said complaint had been entered at the Supreme Judicial Court held at *Worcester*, on the third Tuesday of *September* last, and from thence continued to the said Court to be held at the said *Boston*, on the first Tuesday of *December* next, as aforesaid, for judgment to be entered up as of the said *Worcester* term, with the allowance of the same cost as if judgment had been then affirmed.

LXXIV.

Grant of ninety-pounds to *William Baker*, messenger of the General Court, for his services, from the 25th of *May* to the 26th of *November*, 1784. *November* 10, 1784.

On the petition of *William Baker*, praying for allowance for his services as messenger to the General Court :

Resolved, That there be allowed and paid out of the treasury of this Commonwealth to *William Baker*, the sum of ninety pounds, in full for his services as messenger to the General Court, to the 26th *November*, 1784 ; it being for one half year from the 25th of *May* last.

LXXV.

Grant of four hundred and forty-nine pounds six shillings, to the Honourable *Elbridge Gerry*, Esq; for his services as member of Congress. *November* 10, 1784.

Resolved, That there be paid out of the treasury of this Commonwealth, to *Elbridge Gerry*, Esq; the sum of four hundred and forty-nine pounds six shillings, in full for his services and expences as a delegate to Congress, to the twelfth day of *July* last.

LXXVI.

Resolve directing the committee for selling certain strips of land, in the county of *Tork*, to sell certain lauds remaining unfold, either at public or private sale, and rendering valid any deeds by them given. *November* 10, 1784.

Resolved, That the committee appointed by a resolve of the General Court, passed the twentieth of *March* last, or the major part of them, be, and they hereby are empowered, to sell such of the land remaining unfold as the said committee were directed to sell, either at public or private sale, as heretofore directed ; and that any deed or deeds already executed, or that may hereafter be executed by the said committee, or the major part of them, in pursuance of this or the former resolve, shall be valid and effectual, for the purpose of conveying to the grantees or grantees, their heirs and assigns, a complete title to the lands therein respectively mentioned ; the actual possession thereof by any other person or persons notwithstanding.

LXXVII.

Resolve directing the common law Courts to suspend rendering judgment for interest on actions brought by real *British* subjects, or absentees, to the third Wednesday of the next session. *November* 10, 1784.

Whereas the payment of interest which might have accrued during the late war, upon debts due from the citizens of this or any of the United States, prior to the commencement of the same, to real *British* subjects, and others commonly called absentees, would be not only inequitable and unjust, but also as the Legislature of this Commonwealth conceive repugnant to the spirit and intendment of the fourth article in the treaty of peace, which provides only for the payment of *bona fide* debts ; and as the Legislature have taken measures

measures to obtain the sense of Congress upon the said article, so far as the same respects the payment of interest which might have accrued, as aforesaid; and in the mean time judgments may be obtained in some of the Courts of law within this Commonwealth for interest accruing as aforesaid, contrary to the true design of the said treaty: Therefore,

Resolved, That in all actions or suits which are or may be instituted or brought to any of the Judicial Courts within this Commonwealth, wherein any real *British* subject or absentee is plaintiff or defendant, and which actions or suits, by the laws thereof, are sustainable therein, the justices of the same Courts are hereby severally directed to suspend rendering judgment for any interest that might have accrued upon the demand obtained in such actions or suits, between the 19th day of *April, 1775*, and the 20th day of *January, 1783*, until the third Wednesday of the next sitting of the General Court.

Provided always, That if in any such actions or suits the plaintiffs shall move for, or by default have right to judgment, then and in such case the justices aforesaid shall cause judgment to be entered for the principal sum, which by the laws of this Commonwealth such plaintiffs shall be entitled to recover, and all such interest as accrued thereon before the said 19th day of *April*, and subsequent to said 20th day of *January*, and executions shall issue accordingly; and if Congress shall hereafter determine that the interest which might have accrued on any *bona fide* debt aforesaid during the war, ought by the treaty aforesaid to be considered as part of such debt; then the said Courts respectively shall proceed to enter a further judgment for the amount of all such last-mentioned interest without any new process, and issue execution for such further sum accordingly; and all attachments made, or bail given upon any action instituted as aforesaid, shall be holden to respond the final judgment that may be given for the amount of such last mentioned interest.

LXXVIII.

Order for instructing the delegates to Congress relative to *British* subjects, and certain persons who left this State after the 5th *October, 1774.* *November 10, 1784.*

Ordered, That the delegates representing this Commonwealth in the United States in Congress assembled, be, and they hereby are instructed to desire of Congress their sense on the following question, *viz.* Whether it will consist with the treaty of peace subsisting between *Great-Britain* and the United States of *America*, for the Legislature of this Commonwealth, to pass an act debarring *British* subjects, and those persons who left the late province of *Massachusetts-Bay*, after the 5th of *October, 1774*, and before the establishment of the present Constitution of this Commonwealth, and took the protection of the King of *Great-Britain*, or his government, fleet or army, or either of them, from recovering any interest which may be supposed to have accrued during the war, on debts contracted before the war? And that the said delegates be further instructed in the name and behalf of this Commonwealth, to request of Congress their sense of the meaning of the words "*bona fide*" debts, as mentioned in the fourth article of the treaty of peace, and particularly whether the same are intended and ought to be construed, to include the interest that would have accrued thereon, had not the war intervened; and to communicate to the Legislature of this Commonwealth the doings of Congress thereon as soon as may be.

LXXIX.

Resolve empowering the commissioners on *Western* lands to employ council to assist them in supporting the claims of this Commonwealth, and vesting them with all the powers by a resolve of 2d *July* last. *November* 10, 1784.

Whereas *Francis Dana*, Esq; has declined accepting his appointment as one of the commissioners to support the right of this Commonwealth to certain lands west of *Hudson's-River* :

Resolved, That *John Lowell* and *James Sullivan*, Esq's. the other persons appointed for the purpose aforesaid, have all the power and authority which by a resolve of the General Court, of the second day of *July* last, was given to the said three commissioners; and that they have authority to employ one other gentleman as council in behalf of this Commonwealth, to appear before any Court that may be appointed, agreeable to the confederation, and assist in conducting the claim of this Commonwealth to certain lands, lying west of *Hudson's-River*.

LXXX.

Resolve making provision for the light-house at *Nantucket*, and establishing the pay of the keeper, directing the Commissary-General, and granting him two hundred pounds. *November* 10, 1784.

Whereas his Excellency the Governor, with advice of Council, on the 4th inst. was pleased to appoint Capt. *Paul Pinkham*, keeper of the light house on the island of *Nantucket*, and as a proper regulation for the keeping and supplying of the said light-house with oil and other materials is indispensibly necessary:

Resolved, That the Commissary-General of this Commonwealth be, and he hereby is empowered and directed, to provide for the supplies of the light-house on the island of *Nantucket*, (annually) beginning on the first day of *October*, 1784, being the time the said light-house was lighted, the following articles, *viz.* Thirty pounds of cotton, twelve cords of wood, and oil in such quantities as may from time to time be found necessary for the said light.

Be it further Resolved, That there be paid out of the treasury of this Commonwealth to the Commissary-General, two hundred pounds, to enable him to furnish the several articles enumerated, he to be accountable for the expenditure of the same.

And be it further Resolved, That there be allowed and paid out of the treasury of this Commonwealth to the keeper of the said light-house, for himself and one assistant for the time being, seventy-five pounds per annum, from and after the first day of *October*, 1784.

LXXXI.

Resolve on the memorial of *Richard Devens*, Esq; Commissary-General, granting him one thousand and eighty-nine pounds fifteen shillings and five-pence, for the erecting a light-house, and a small house, at *Nantucket*. *November* 11, 1784.

On the memorial of *Richard Devens*, Esq; Commissary-General, praying allowance and payment of his account for erecting a light-house, and a small house for the keeper on the island of *Nantucket*, pursuant to a resolve of the General Court, passed the fifth day of *February*, 1784: Whereas the said accounts appear right cast and well vouched:

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to *Richard Devens*, Esq; Commissary-General, the sum of one thousand and eighty-nine pounds fifteen shillings and five-pence, which together with three hundred pounds which he has already received, is in full discharge of the said accounts.

LXXXII.

Resolved appointing *Hugh Orr*, *Caleb Davis*, and *Richard Devens*, Esq's, a committee to attend the sale of the Continental military stores, and to make purchases of the same. *November 11, 1784.*

Whereas it is the good policy of every wise government, in time of peace, to prepare for as the most probable means of preventing war: And whereas there are great quantities of ordnance and military stores advertized for public sale, in *Boston*, on Wednesday the 17th of the present month:

Resolved, That *Hugh Orr* and *Caleb Davis*, Esq's. and *Richard Devens*, Esq; Commissary-General, be, and they are hereby appointed a committee to attend the said sales; and they, or any two of them, are hereby empowered to purchase, for account and for the use of this Commonwealth, such of the said stores, not perishable, as may be in their opinion for the interest and safety of the same, and them to have removed and secured in some suitable place in *Watertown*.

Resolved, That there be paid out of treasury of this Commonwealth to the said committee, such public securities as may be sufficient to enable them to pay for the stores they may purchase as aforesaid; also such sums in specie as may enable them to pay for the removing and securing the same; the said committee being accountable to the General Court at their next sitting.

LXXXIII.

Resolved constituting *John Lowell* and *James Sullivan*, Esq's. lawful agents, to represent this State in Congress, on the first of *December* next, on the subject of certain lands, to which the State of *New-York* set up a claim, and giving instructions to said agents. *November 11, 1784.*

Whereas the Legislature of this Commonwealth, by their petition to Congress on the twenty-seventh day of *May* last past, alleged that certain lands to which the State of *New-York* set up a claim, were the just and proper right of this Commonwealth; and Congress having given notice thereof to the said State, and appointed the first Monday of *December* next to proceed in the premises, as by the article of confederation and perpetual union is directed:

Resolved, That the Honourable *John Lowell* and *James Sullivan*, Esq's. with the delegates who shall actually represent this Commonwealth in Congress, on the first day of *December* next, or the major part of the persons before mentioned, be, and they hereby are constituted the lawful agents of this State, and are authorized and empowered, with such agent or agents as are or may be empowered therefor, on the part and behalf of the State of *New-York*, to appoint by joint consent, commissioners or judges to constitute a Court for the hearing and determining the claims of the same State and of this Commonwealth, to the lands mentioned and described in the petition aforesaid; and in case the said State of *New-York* shall neglect to attend by their agent or agents at the time appointed therefor by Congress, or if attending the agent or agents of the said State and of this Commonwealth, cannot agree to appoint by joint consent, commissioners or judges for the purpose aforesaid, then the said agents

of this Commonwealth, or the major part of them, are hereby authorized and empowered to do and transact all matters and things whatsoever, which by the said articles of confederation and perpetual union, are made necessary to be done and transacted on the part of this Commonwealth, for the appointment of commissioners or judges for the purpose aforesaid.

LXXXIV.

Resolve empowering *Samuel Phillips, junior, Nathaniel Wells, and Nathaniel Dane, Esq's.* a committee appointed 28th of *October, 1783,* to examine into the illegal entries upon the unappropriated lands in the county of *Lincoln,* to sell certain strips of said land, &c. *November 11, 1784.*

Resolved, That *Samuel Phillips, junior, Nathaniel Wells, and Nathaniel Dane, Esq's.* a committee appointed by a resolve of the General Court of the twenty-eighth day of *October, 1783,* to examine into the illegal entries upon the unappropriated lands in the county of *Lincoln,* or any two of them, be, and they are hereby fully authorized and empowered at their discretion, to sell any strips or other pieces of unappropriated land belonging to this Commonwealth, in the said county of *Lincoln,* as well as those the said committee were by former resolves empowered to sell, for the most they may be able to get for the same, either at private sale or public auction, and to make and duly to execute good and lawful deeds of all such lands as the said committee or any two of them may agree to dispose of, which shall make a good and sufficient title in law to the grantees, their heirs and assigns respectively, any person or persons being in the actual possession thereof notwithstanding.

Resolved, That the said committee be, and they are hereby directed to proceed in laying out townships from time to time, and at such times and in such manner as they shall find most beneficial to this Commonwealth; any resolve to the contrary notwithstanding.

LXXXV.

Resolve on the petition of *Henry Purkitt,* and others, privates in Colonel *Sheldon's* corps of light dragoons, directing the committee for settling with the army to certify, &c. *November 11, 1784.*

On the petition of *Henry Purkitt,* and others, privates in Colonel *Sheldon's* corps of light dragoons, and of *John Lenan* and *William Jones,* soldiers in Colonel *Hazen's* regiment, praying for a bounty of twenty pounds, promised them by a resolve of the General Court of *June 11, 1779,* for enlisting into the Continental army for three years or during the war, which bounty (they say) they have never received :

Resolved, That on the said petitioners making it appear, to the satisfaction of the Committee for settling with the army, that they enlisted into the Continental army for three years or during the war; that they have been credited to this Commonwealth as part of their quota of troops for the Continental army, and that they have been honourably discharged and have never received the said bounty, the said committee be, and they hereby are directed, to certify the same to the Governor and Council, who are hereby requested to grant a warrant on the Treasurer for the same, to each person so certified, to be paid in two Treasurer's notes of ten pounds each; the said notes to be dated the first of *January, 1784,* one payable in the year 1787, the other in the year 1788, on interest.

And

And whereas there may be other foldiers in other regiments of the Continental army in like circumstances, and who have a just right to the said bounty, in case they have not received it already :

It is further resolved, That any foldier, who is entitled to the said bounty, and has not received it, on applying to the said committee, and complying with the terms prescribed in the foregoing resolve, the committee are hereby directed to certify them, and the Governor and Council to grant warrants therefor, in the same manner as is directed in the foregoing resolve, for the petitioners.

LXXXVI.

Resolve on the petition of *David Nye*, permitting him to enter his appeal from the judgment of the Maritime Court, at the Supreme Judicial Court, to be holden at *Barnstable*, in *May* next, for reasons mentioned. Nov. 11, 1784.

On the petition of *David Nye*, setting forth that the said *Nye*, with others, a few months before the close of the late war, attacked, took and bro't into port, the schooner called the *Pepperellborough*, *William Todd* master, and laden with lumber, which with her cargo was libelled by the said *Nye*, in behalf of himself and others, in the Maritime Court for the Southern District, and claimed by the said *Todd* ; that the cause was there tried, and a verdict for the claimant, from which the memorialist appealed to the Supreme Judicial Court, next to be holden at *Barnstable*, in and for the county of *Barnstable* ; but for certain reasons in the said petition mentioned, did not enter his appeal, and praying that he may now have permission to enter his appeal from the Maritime Court aforesaid, at the Supreme Judicial Court, next to be holden at *Barnstable*, in and for the county of *Barnstable* :

Resolved, That the prayer of the said petition be granted ; and that the said *Nye* have permission to enter his appeal from the judgment of the Maritime Court aforesaid, at the Supreme Judicial Court, to be holden at *Barnstable*, in and for the county of *Barnstable*, on Wednesday next preceding the last Tuesday of *May* next ; which Court is hereby empowered to sustain the the said appeal ; and the same proceedings may be had thereon, as if the said appeal had been seasonably entered according to law, viz. at the Supreme Judicial Court holden at *Barnstable* aforesaid, on Wednesday next preceding the third Tuesday of *May*, in the year of our Lord, 1783, being the term of the said Court to which the said *Nye* appealed as aforesaid.

LXXXVII.

Resolve on the petition of *Thomas Dwight*, in behalf of the town of *Springfield*, permitting him to exhibit beef receipts : and empowering the Governor and Council in this case. November 11, 1784.

On the petition of *Thomas Dwight*, in behalf of the town of *Springfield*, setting forth that the said town procured the beef required by the resolves of the General Court, but have not (through some mistake) returned the receipts therefor, agreeable to the orders of Government ; and that execution hath issued against the said town ; and praying that the said receipts may now be exhibited for examination and allowance :

Resolved, That the town of *Springfield* be permitted to exhibit the said receipts of beef to the Secretary, any time before the 25th of *November* instant. And the Governor and Council are hereby empowered to receive and examine the said receipts in the same manner and on the same condition as if the same had been exhibited in due season.

LXXXVIII.

Resolve authorizing *Peter Putnam* to collect certain taxes mentioned, in the town of *Danvers*. November 11, 1784.

Whereas it appears to this Court, that the town of *Danvers*, on the 18th day of *October* last, made choice of *Peter Putnam* a collector of taxes, to complete the collecting of all such taxes as have been committed to his father, *John Putnam*, to collect, (he the said *John* being unable to collect the same) and the said *John* prays that the said *Peter* may be empowered to collect the said taxes, he the said *John* to be accountable therefor : Therefore,

Resolved, That *Peter Putnam*, son of *John Putnam*, one of the collectors of taxes for the town of *Danvers*, be, and hereby is fully authorized and empowered to demand and recover all such sum or sums of money contained in the list or lists of assessment committed to the said *John Putnam* to collect, which remain unpaid ; and he the said *Peter* being first sworn faithfully to discharge the said trust, is hereby fully empowered to serve and execute the same warrant or warrants for collecting the said taxes that have been directed to the said *John* for that purpose, as effectually as he the said *Peter* might have done in case the same had been originally to him directed, so far as relates to collecting the said taxes ; and he the said *Peter* shall pay the money when collected, to *John Putnam*, his said father, who shall be held accountable for the same, in the same manner he was before the passing this resolve.

LXXXIX.

Resolve on the petition of the first parish in *Cambridge*, confirming the assessments, and empowering the assessors of said parish to assess. November 11, 1784.

On the petition of the first parish in *Cambridge* :

Resolved, That the assessment mentioned in the petition of the inhabitants of the first parish in *Cambridge*, be, and it is hereby declared to be ratified and confirmed, so that the same shall be deemed, held and taken, in all Courts of law, good and valid ; the objections thereto stated in the said petition notwithstanding.

And be it further Resolved, That the assessors of the said first parish in *Cambridge*, for the time being, be, and they are hereby authorized in any future assessment by them to be made, to adhere to the practice of their predecessors, in omitting to assess such lands and persons living thereupon as have never been assessed in the said parish, until the dispute between that and the second parish in *Cambridge*, relative to the bounds between the same parishes, shall according to their proposal be amicably, or otherwise adjusted and settled.

Provided always, That this resolution shall not be construed so as to effect the right of either parish, or to prevent their trying the same in a due court of law, when they shall think proper so to do.

XC.

Resolve on the petition of *Mary Coffin*, authorizing her to make sale of all the real estate mentioned. November 11, 1784.

Upon the petition of *Mary Coffin*, shewing that her daughter *Margaret Coffin*, a minor, is seized of one fourth part of a small farm, in *Woburn*, by the sale

sale of which the interest of the said *Margaret* would be much advanced :
Therefore,

Resolved, That the said *Mary Coffin* be, and she hereby is authorized and empowered to make sale of all the real estate of which the said *Margaret* is seized in common with said *Mary*, and others, by deed from *Thomas Aston Coffin*, and situated in *Woburn* ; she first giving bonds to the Judge of Probate, for the county of *Suffolk*, to account with the said *Margaret*, when she shall arrive at full age, for the proceeds of said sale, with interest therefor.

XCI.

Resolve on the petition of *Esther Freeborn*, empowering the guardians to sell the land mentioned. November 11, 1784.

On the petition of *Esther Freeborn*, Indian woman, praying for liberty to sell about four acres of land, in *Grafton*, in the county of *Worcester*, for reasons set forth in the said petition :

Resolved, That *Edward Rawson* and *Willis Hall*, Esq's. guardians to the *Grafton Indians*, be, and hereby are empowered to sell the said land for the most the same will fetch, and to make and execute in their said capacity good and lawful deed or deeds of the same, to the purchaser or purchasers thereof ; the proceeds of the said sale to be applied for the support of the said *Esther Freeborn*, and family, as mentioned in the said petition, under the directions of the said guardians, they to be accountable to the General Court for the expenditure thereof.

XCII.

Grant to the President, Speaker, and to the Clerks of the Senate and House.
November 11, 1784.

Resolved, That there be granted and paid out of the public treasury of this Commonwealth to the Hon. *Samuel Adams*, Esq; President of the Senate, the sum of six shillings per day, for each day's attendance the present session of the General Court ; and also to the Hon. *Samuel Allyne Otis*, Esq; Speaker of the House of Representatives, the sum of six shillings per day, for each day's attendance on the General Court the present session, over and above their respective pay as members of the General Court.

And it is further resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to Mr. *George Richards Minot*, Clerk of the House of Representatives ; and also to *Thomas Edwards*, Esq; Clerk of the Honourable Senate, the sum of thirty pounds each, in part for their services the present year.

XCIII.

Ordered that the Secretary and Commissary-General give notice to *Samuel Hodgdon*, Esq; Commissary of military stores, of all the stores belonging to the United States in this Commonwealth. November 12, 1784.

Ordered, That the Secretary and Commissary-General be, and they hereby are directed to give notice to *Samuel Hodgdon*, Esq; Commissary of military stores, of all the stores which belong to the United States that are within this Commonwealth, of which they have received any return, or which have come to their knowledge.

XCIV.

Order directing the Delegates of this State to be present in Congress on the first of *December* next; and the Secretary to notify the said Delegates. *November 12, 1784.*

Ordered, That the Delegates of this Commonwealth to Congress be, and they hereby are severally directed to be present in Congress on the first day of *December* next; and the Secretary is directed to serve each of the said Delegates with an attested copy of this order.

XCV.

Resolve on the petition of *John Gardner*, Sheriff of the county of *Nantucket*, rendering valid all his acts and doings previous to his giving bond. *November 12, 1784.*

Upon the petition of *John Gardner*, Sheriff of the county of *Nantucket*, representing that the act of the Legislature requiring the Sheriffs of the several counties in this Commonwealth to give good and sufficient bonds for the faithful performance of their duty to the Treasurer of the said Commonwealth, before the next session of the Court of Common Pleas in the respective counties, did and could not, from certain inevitable circumstances, come to the knowledge of the said act till a Court of Common Pleas had been held in the said county of *Nantucket*, and that he officiated in his said office without complying with the requisition of the act aforesaid: Therefore,

Resolved, That all the acts and doings of the said *John Gardner*, in his said office of Sheriff, prior to his giving bonds, agreeable to the requisition of the act aforesaid, be, and are hereby rendered, to all intents and purposes, as valid in law as if the said *John Gardner* had given bonds within the time prescribed by the said act.

XCVI.

Resolve granting seven hundred pounds for defraying the necessary charges of the county of *Middlesex*. *November 12, 1784.*

On the representation of the Justices of the Court of General Sessions of the Peace for the county of *Middlesex*:

Resolved, That there be, and hereby is granted a tax of seven hundred pounds for defraying the necessary charges of the said county of *Middlesex*, to be levied on the polls and estates of the several towns and districts in the said county: And the Clerk of the said Court is hereby authorized and empowered to apportion the said sum on the several towns and districts in the said county; and issue his warrant directed to the Selectmen or Assessors for each respective town and district's proportion of the same, agreeable to the laws of this Commonwealth, for defraying, levying and collecting county taxes, and paying the same to the Treasurer of the said county, agreeable to his warrant for that purpose.

XCVII.

Resolve on the petition of *Ebenezer Crafts*, Esq; in behalf of the town of *Sturbridge*, directing the Treasurer to recall his execution for beef, and granting seven pounds three shillings and eight pence in full for over pay in beef. *November 12, 1784,*

On

On the petition of *Ebenezer Crafts, Esq;* in behalf of the town of *Sturbridge*, praying that an execution against the said town for part of their quota of beef may be recalled, and that the said town may be allowed for four hundred and thirty-one weight of beef that the said town hath found more than their quota, their receipt for the same failing of being seasonably returned notwithstanding, for reasons set forth in the said petition.

And whereas the said *Ebenezer Crafts* hath made it appear to the satisfaction of this Court, that the said town of *Sturbridge* did seasonably pay and deliver four hundred and thirty-one weight of beef over and above the quota set on the said town : Therefore,

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed to recall the execution he has issued against the said town of *Sturbridge*, they paying the said Sheriff's fees, and that no further process be had thereon.

And be it further resolved, That there be paid out of the treasury of this Commonwealth to the petitioner aforesaid, for the use of the said town of *Sturbridge*, the sum of seven pounds three shillings and eight pence, in full for the said four hundred and thirty-one weight of beef aforesaid.

XCVIII.

Resolve on the petition of *Eliphaz Stearns*, in behalf of the town of *Douglafs*, remitting a fine laid on said town for not sending a Representative. *November 12, 1784.*

On the petition of *Eliphaz Stearns*, in behalf of the town of *Douglafs*, praying for an abatement of the sum of twenty pounds, being a fine laid on the said town for not sending a Representative in the year 1782 :

Resolved, That there be paid out of the treasury of this Commonwealth, to the said town of *Douglafs*, the sum of ten pounds, being the one half of the said fine.

XCIX.

Resolve on the petition of the Selectmen, in behalf of the inhabitants of *Milford*, abating a fine for not sending a Representative for 1781 and 1782. *November 12, 1784.*

On the petition of the Selectmen, in behalf of the inhabitants of *Milford*, praying for an abatement of the fine for not sending a Representative for the years 1781 and 1782, for reasons set forth in the petition :

Resolved, That the prayer of the petition be so far granted, as that twenty-five pounds of said fines be abated ; and that the Treasurer be, and he is hereby directed to discharge the town of *Milford* the aforesaid sum, in the tax granted in 1783.

C.

Resolve allowing *Oliver Phelps* to receive receipts for beef from the Secretary given by the several agents, taking his receipt for the same. *Nov. 12, 1784.*

Whereas it has been represented to this Court, that the accounts of the agents in the several counties for collecting beef under *Oliver Phelps, Esq;* have not been completely settled :

Resolved,

Resolved, That *Oliver Phelps*, Esq; be allowed to receive from the Secretary's office the receipts given by the agents aforesaid, in order to check the accounts of the said agents with the accounts by them exhibited to the said *Phelps*. And the Secretary is hereby directed to make a list of the said receipts, and deliver them to *Oliver Phelps*, Esq; taking his receipt therefor.

CI.

Resolve abating certain towns in the county of *Lincoln*. *November 12, 1784.*

Whereas there is large sums in taxes due from the several towns and plantations in the county of *Lincoln*, hereafter mentioned, and by reason of their being in the neighbourhood of the enemy for several years past, they are unable to pay the whole of the said taxes: Therefore,

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed to recall all the warrants that have issued from the said office to said towns and plantations, for taxes previous to the first day of *June* last, and which have not been paid into the said office; and issue his warrants to the assessors of the said towns and plantations for the sums respectively set against them, *viz.*

- Newcastle*, five hundred and seventeen pounds ten shillings.
- Waldoboro'*, six hundred and fifty-five pounds ten shillings.
- Booth-Bay*, four hundred and ninety-six pounds fifteen shillings.
- Bristol*, seven hundred and ninety-three pounds ten shillings.
- Edgecombe*, four hundred and eleven pounds ten shillings.
- Warren*, two hundred and twenty-four pounds five shillings.
- Tbomaston*, two hundred and fifty-five pounds six shillings.
- Walpole*, two hundred and seven pounds.
- Sterlington*, fifty-eight pounds ten shillings.
- St. George's*, three hundred and ninety-three pounds sixteen shillings.
- Medumcook*, ninety-four pounds sixteen shillings.

Also, *Resolved*, That the assessors of the aforesaid towns and plantations severally, be, and they hereby are directed to assess the same in the following manner, *viz.* Twenty-three shillings on each rateable poll, and the remainder on the estates real and personal, in the same manner as hath heretofore been required.

And be it further *Resolved*, That the sheriff of the said county of *Lincoln*, be, and he hereby is directed to make return of all executions now in his hands, from the Treasurer aforesaid, against the towns and plantations aforesaid, with the monies he has already received.

And be it further *Resolved*, That the sum paid by either of the said towns to the sheriff aforesaid, in part of taxes assessed previous to the first day of *June* last, be deducted from the tax to be assessed as aforesaid.

CII.

Resolve for bringing delinquent sheriffs and collectors to account, directing the Treasurer in this case. *November 12, 1784.*

Whereas it is represented to this Court that several sheriffs to whom executions have been committed against delinquent collectors, and many collectors in the several towns and other places in this Commonwealth, have public monies in their hands, and unreasonably and unjustly detain the same for their own emolument, to the great discredit of the Commonwealth and the injury of the creditors thereof: For remedy whereof,

Resolved,

Resolved, That the Treasurer be, and he is hereby directed forthwith to compel and enforce such delinquent sheriffs and collectors to an immediate settlement, as shall appear to him to have detained public monies as aforesaid.

And whereas it is further represented, that there are now outstanding in the hands of sheriffs and collectors, receipts, orders and due bills, heretofore issued by the former and present Treasurer, which it is absolutely necessary should be immediately brought into the treasury in order to complete a settlement with the late Treasurer's administrator, and to know the true state of the treasury: Therefore,

Resolved, That the Treasurer be, and he is hereby directed to call on all sheriffs and collectors who have in their hands such receipts, orders and due bills, to bring the same into the treasury; and in case the said sheriffs and collectors shall neglect or refuse to return the said receipts, orders and due bills, into the treasury, by the first day of *February* next ensuing, the Treasurer is further directed to compel such delinquents to a settlement: And the said Treasurer is further directed to transmit complaints to the Clerks of the Courts of General Sessions of the Peace, in the several counties of this Commonwealth, against such towns and plantations as have neglected to make returns to him of the names of the collectors of such towns and plantations of whom the said Treasurer has required any assessments; and the said Treasurer is directed to lay before the General Court on the fourth Wednesday of the next sitting thereof, his doings herein, and an account of the amount of all such receipts, orders and due bills, and payments, as may be by him received before the said day.

CIII.

Resolve directing sheriffs and deputy sheriffs, not to receive public securities or certificates from collectors of taxes, unless—and directing the Treasurer in this case. *November 13, 1784.*

Whereas there is reason to apprehend that the public credit has suffered by public officers in certain cases, making an undue use of public money:

Resolved, That all sheriffs and deputy sheriffs be, and they are hereby directed not to receive any public certificates or securities from any collector, unless the said collector shall, before some Justice of the Peace, take the following oath, *viz.*

I *A. B.* do swear, that all the certificates and securities now offered by me, to the amount of _____ were received from the persons named in my rate list, in discharge of the taxes committed to me to collect, or otherwise without any discount or premium whatever. So help me GOD.

And the Justice before whom such oath shall be taken, shall give a certificate purporting that the oath by this resolve prescribed was taken before him, and shall therein express the sum mentioned in the said oath; which certificate shall be delivered with the said public certificates and securities to the sheriff, and by him to the Treasurer.

And it is further Resolved, That the Treasurer shall not receive from any sheriff or deputy sheriff any more public certificates or securities in discharge of executions, than shall be the amount of the sums expressed in the Justices certificates which shall accompany the same, unless the sheriff or deputy sheriff shall take an oath, either before the Treasurer, or shall send a certificate thereof to the Treasurer, that the residue (expressing the sum) was received without any discount or premium whatever.

Resolved, That the Treasurer shall not receive from any collector any public certificates or securities, unless the collector shall before him take the oath above prescribed.

Provided

Provided nevertheless, When the collector shall send the certificates or securities to the treasury by another person, the said collector shall take the oath above prescribed, before some Justice of the Peace, who shall deliver to such collector a certificate thereof, specifying the sum sworn to as above directed, which shall be transmitted with the said public certificates and securities to the treasury, and so much only in the said public certificates and securities shall be received by the Treasurer as is expressed in the certificates given by the Justice; and no fees shall be received by any Justice for administering the oath or giving the certificate hereby required.

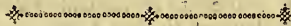
B O S T O N :

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R E S O L V E S
 OF THE
 G E N E R A L C O U R T
 OF THE
 C O M M O N W E A L T H
 O F
 M A S S A C H U S E T T S :

Begun and held at *Boston*, in the County of *Suffolk*, on
 Wednesday the Twenty-Sixth Day of *May*, *Anno Domini*,
 1784 ; and from thence continued, by Adjournments, to
 Wednesday the Nineteenth Day of *January*, 1785.



I.

Resolve entitling *Josiah Jones* to one half pay as a soldier. *January 21, 1785.*

ON the representation of *John Lucas*, commissary of pensioners, in behalf
 of *Josiah Jones*, a soldier, who was wounded in the service of the United
 States :

Resolved, That the said *Josiah Jones* be entitled to one half part of pay as a
 soldier, from *June* the tenth, one thousand seven hundred and eighty-one, till
 the further order of the General Court or Congress.

II.

Resolve on the petition of *Micha Ralph*, an Indian, empowering him to make
 sale of a certain piece of land. *January 21, 1785.*

On the petition of *Micha Ralph*, an Indian, praying for liberty to sell a cer-
 tain piece of land, for reasons mentioned in the said petition :

Resolved, That the prayer of the said petition be granted, and that the said
Micha be, and hereby is fully empowered to make sale of all the land mentioned
 in the said petition, and make and execute a good and lawful deed or deeds of
 the same to the purchaser or purchasers thereof, any law to the contrary not-
 withstanding.

III.

III.

Resolve on the petition of *Thomas Pêcheque*, empowering him to sell eight acres of land. *January 21, 1785.*

On the petition of *Thomas Pêcheque*, Indian man, praying for liberty to sell about eight acres of land, as mentioned in the said petition :

Resolved, That the prayer of the said petition be granted, and that the said *Thomas* be, and hereby is empowered to make sale of the land aforesaid, at the value it shall be apprized by the *Rev. Zachariah Maybew*, and *Mr. Elijah Smith*, of *Chilmark*, and make and execute a good and lawful deed or deeds of the same to the purchaser or purchasers thereof, they paying the said *Thomas* the sum at which it shall be apprized by the aforesaid *Maybew* and *Smith*; any law to the contrary notwithstanding.

IV.

Resolve on the petition of *Dennis Fernald*, Esq; empowering him to sell the real estate mentioned. *January 22, 1785.*

On the petition of *Dennis Fernald*, Esq; executor of the last will and testament of *Tobias Fernald*, late of *Kittery*, in the county of *York*, deceased, praying (for reasons set forth in his said petition) for liberty to make sale of such a part of the real estate of the said deceased, as will be sufficient to discharge the debts due therefrom, without disposing of a number of state notes belonging to the said estate :

Resolved, That the said *Dennis* be, and he is hereby authorized and empowered to sell so much of the real estate of the said *Tobias* as will be sufficient, together with the personal estate of the said *Tobias*, (exclusive of government securities) to discharge the debts due from the said estate, and to give and execute a good and lawful deed or deeds of the same; he the said *Dennis* first giving bond with sufficient sureties to the Judge of Probate for the said county, to observe the rules prescribed by law for the sale of real estates by executors or administrators.

V.

Resolve on the petition of *Samuel Ward*, and others, discharging them from their trust as managers of *Lancaster* lottery, and appointing others in their stead. *January 22, 1785.*

On the petition of Mess^{rs}. *Samuel Ward*, *Israel Atherton* and *Josiah Wilder*, managers of the lottery granted for repairing and making good the public bridges and cause-ways in the town of *Lancaster*, praying to be discharged from their trust, on finishing the business of the three first classes, and that others may be appointed in their stead :

Resolved, That *Ephraim Carter*, jun. *Edmund Heard* and *Jonathan Wilder*, of *Lancaster* aforesaid, be, and they hereby are appointed sole managers of all the future and succeeding classes of the said lottery, they taking the oath enjoined on managers by the act granting the same; and the said *Ephraim*, *Edmund* and *Jonathan*, shall thereupon conform to all other rules and regulations in the same act prescribed or directed, and shall be subject to all the suits and penalties to which the managers first aforesaid would have been subject in managing the said future and succeeding classes; and that on the said *Ephraim's*, *Edmund's* and *Jonathan's* taking the aforesaid oaths, and the said *Samuel's*,
Israel's

Israel's and *Josiah's* finishing and compleating the business of the aforesaid three classes, in the manner directed by the said act, on the last drawing of the said lottery, they the said *Samuel, Israel* and *Josiah*, shall, by virtue hereof, be discharged from their aforesaid office, business and trust.

VI.

Resolve on the petition of *Richard Patten*, directing the Treasurer to deliver him notes of the same tenor, and to take an account of the number and date of the notes fraudulently taken. *January 22, 1785.*

On the petition of *Richard Patten*, a soldier in the corps of invalids in the Continental army, setting forth that some person had fraudulently personated him the said *Richard* with a certificate from Mr. *Lucas*, commissary of pensioners, and has drawn notes for the pay for his service, and praying that notes may be issued to him equal to those to which he was intitled :

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed to make out and deliver to *Richard Patten*, notes of the same tenor, and for the same sum that the notes were of to which the said *Richard* was intitled ; and the Treasurer is hereby directed to take an account of the number and date of the notes fraudulently taken out of the treasury as aforesaid, and such other methods as shall appear to him most likely to detect the fraud.

VII.

Resolve allowing the county Treasurer's accounts for the county of *Bristol*, and granting a tax of *one thousand five hundred pounds* for defraying the charges of said county. *January 24, 1785.*

On the petition of the Court of General Sessions of the Peace for the county of *Bristol*.

Whereas it appears upon the examination of the Treasurer's accounts for the same county, that they are right cast and well vouched to *September, 1784*, and that the monies therein charged were applied for the purposes by law allowed ; Therefore,

Resolved, That the said accounts be accepted and allowed.

And whereas it appears from an estimate of the Justices of the said Court, that the sum of *fifteen hundred pounds* will be needed for the defraying the charges of the said county for one year, together with building a goal, repairing of the Court-House, &c. Therefore,

Resolved, That there be, and hereby is granted, a tax of *fifteen hundred pounds*, to be apportioned and assessed on the inhabitants of the said county, and estates lying within the same, and to be collected and paid, and applied for the purposes aforesaid, agreeable to the laws of this Commonwealth.

VIII.

Resolve entitling *Richard Crouch* to one half pay as a cooper, from the 1st of *June 1782.* *January 25, 1785.*

On the representation of *John Lucas*, Esq; commissary of pensioners, in behalf of *Richard Crouch*, cooper of the continental *Dean* frigate, who contracted a lameness while in the service of the United States :

Resolved, That the said *Richard Crouch* be entitled to one half pay as a cooper, from the first day of *June, 1782*, till the further order of the General Court or Congress.

Resolve

IX.

Resolve granting a tax of *two hundred and fifty pounds* for defraying the charges of the county of *York*. *January 26, 1785.*

On the representation of the Justices of the Court of General Sessions of the Peace for the county of *York*.

Resolved, That there be, and hereby is granted, a tax of *two hundred and fifty pounds*, for defraying the necessary charges of the said county of *York*, to be apportioned, assessed, collected, paid, and applied agreeably to the laws of the Commonwealth.

X.

Resolve on the petition of *Loammi Baldwin*, Esq; Sheriff of the county of *Middlesex*, directing him to postpone the sale of the estates mentioned, until 17th *February* next. *January 26, 1785.*

Upon the petition of *Loammi Baldwin*, Esq; Sheriff of the county of *Middlesex*, representing the disadvantage of selling for ready money, the estate of *Elisha Cutler*, upon execution, for a debt due to the Commonwealth :

Resolved, That the said *Baldwin* be, and he hereby is directed, to postpone the sale of the same estate until the 17th day of *February* next, in order that the General Court may give direction respecting the same, and that the said *Baldwin* give public notice thereof.

Resolved, That the same execution shall be, and remain in full force until the said 17th day of *February*, and the sale of the premises then made, be as legal to all intents and purposes, as if the same had been made upon the 27th instant, according to the advertisement thereof by the said Sheriff.

XI.

Resolve on the petition of *Edward H. Robbins*, in behalf of the town of *Milton*, confirming the choice of two collectors of taxes. *January 27, 1785.*

Upon the petition of *Edward Hutchinson Robbins*, in behalf of the town of *Milton*, praying that the choice of two collectors of public taxes for the said town, as made by the inhabitants thereof, at a legal town meeting on the 6th day *January* instant, may be qualified and confirmed :

Resolved, That the choice and appointment of *Ebenezer Williams* and *Samuel Horton*, made by the inhabitants of the said town on the sixth day of *January* instant, as collectors of public taxes for the said town, be, and hereby is confirmed and made valid, and the said *Ebenezer* and *Samuel* upon executing such bond as shall be required by the selectmen of the said town, and taking the oaths requisite, are hereby severally authorized and empowered to use, exercise, and carry into effect, all the powers and duties which collectors are by law authorized to, and which they could have done had they been duly appointed in *March* last, and complied with the several requisites of law.

XII.

Resolve on the petition of the selectmen of *Framingham*, empowering *Abraham Belknap* to collect taxes. *January 28, 1785.*

On the petition of the selectmen of the town of *Framingham*, praying that *Abraham Belknap*, might be empowered to collect such taxes as might be committed to him by the assessors of the said town :

Resolved, That the said *Abraham Belknap* be, and hereby is fully authorized and

and empowered to collect any tax or taxes that may be committed to him for that purpose, by the present assessors of the said town, in the same manner as though the said *Abraham* had been duly chosen a collector of taxes for the said town in the month of *March* last, and also, that he shall be subject to the same penalties, and vested with the same powers as the other collectors of the said town who were then chosen, are subject to, and vested with.

XIII.

Resolve granting a tax to be assessed on the inhabitants and estates of the county of *Hampshire.* *January 28, 1785.*

Whereas it appears from an estimate of the Justices of the Court of General Sessions of the Peace for the county of *Hampshire*, made on the second Tuesday of *November, 1784*, that the sum of *seven hundred pounds* will be necessary to discharge the debts of the said county, and for defraying the charges of the said county for one year then next ensuing : Therefore,

Resolved, That there be, and hereby is granted a tax of *seven hundred pounds*, to be apportioned and assessed on the inhabitants of the said county, and estates lying within the same ; and that the said sum be assessed, collected, and paid into the county-treasury on or before the thirty-first day of *March* next, for the use of the said county, and to be applied and paid out according to the laws of the Commonwealth.

XIV.

Resolve on the petition of *Ephraim Fairbank, Esq;* in behalf of *Bolton* and *Berlin*, directing assessors to make out warrants agreeable to law, and confirming their doings. *January 28, 1785.*

On the petition of *Ephraim Fairbank, Esq;* in behalf of the town of *Bolton* and district of *Berlin*, shewing that no warrants were given to collect the county tax in the aforesaid town and district, for the year one thousand seven hundred and eighty-one ; and praying some persons may be impowered to give to the constables of the said *Bolton*, for the same year, warrants for the aforesaid purpose :

Resolved, That the assessors of *Bolton*, for the year one thousand seven hundred and eighty-one, be, and they hereby are impowered and directed to make their warrants in manner and form as by law is directed, (*mutatis mutandis*) to the constables aforesaid, and to deliver the same to the constables aforesaid : and the warrants aforesaid, made and delivered as aforesaid, shall be as good and effectual in law, for all future collections, as if the same had been made and delivered to the said constables with the lists or assessments of the aforesaid tax.

XV.

Resolve on the petition of *Shearjashub Bourne*, permitting him to file his complaint against *Nathaniel Harding.* *January 28, 1785.*

On the petition of *Shearjashub Bourne*, of *Barnstable*, in the county of *Barnstable*, Esq; praying for liberty to file his complaint upon a default action on a judgment recovered by him against one *Nathaniel Harding*, as set forth in his said petition, at any Supreme Court in this Commonwealth ; he having by unavoidable accident omitted to enter his said complaint at the regular term appointed therefor :

Resolved, That the prayer of the petition be so far granted, that the said *Bourne*

have liberty to file his complaint against said *Harding* at the Supreme Judicial Court; next to be holden within and for the said county of *Barnstable*; and that the same Court proceed thereon in the same manner as they might by law have done if the said *Bourne* had entered his said complaint at their sessions in the said county of *Barnstable*, next after the first Tuesday of *December, Anno Domini 1783*; any law, usage or custom to the contrary notwithstanding.

XVI.

Resolve directing the Commissary-General to furnish the light-house in the harbour of *Boston*, annually, with coal, wood, and candles, and making an establishment for the keeper and assistants, — a grant for their services, and to the Commissary-General. *January 29, 1785.*

On the petition of *Thomas Knox*, praying for allowance, &c. for keeping the light-house in *Boston* harbour:

Resolved, That the Commissary-General be, and he hereby is directed, to supply the said *Thomas Knox* with the following articles for the necessary use of the said light-house, viz. sixty bushels of charcoal, twelve cords of wood, and one hundred pounds weight of candles.

Be it further Resolved, That from the fifth of *December* last, the supplies for the said light-house, annually, be as follows, viz. charcoal, sixty bushels; wood, twenty-five cords, and cotton and oil in such quantities as from time to time shall be found necessary; and the Commissary-General is directed, annually, to supply the said articles accordingly.

Be it further Resolved, That there be allowed and paid to the keeper of the said light-house for the time being, for himself and two assistants, *one hundred and twenty pounds*, per annum.

Be it further Resolved, That there be paid out of the treasury of this Commonwealth to *Thomas Knox*, in full of his services, as keeper of the said light-house, and that of his assistants, to the fifth day of *December* last, *one hundred and twenty pounds*.

And be it further Resolved, That there be paid out of the treasury of this Commonwealth, to *Richard Devens*, Esq; Commissary-General, to enable him to furnish the articles enumerated in the first of these resolves, *twenty-four pounds*, he to be accountable for the expenditure of the same.

XVII.

Resolve discharging a class in *Topsfield* from an assessment laid on them, and directing assessors and collectors of that town to notice the same. *January 29, 1785.*

On the petition of *John Treadwell*, in behalf of a class in the town of *Topsfield*, of which *Thomas Porter* was head:

Whereas it appears to this Court, that the said petitioners have fully complied with the requisition on them by the resolve of the 2d *December, 1780*, (excepting the said *Thomas Porter*, head of the said class) Therefore,

Resolved, That the said class be, and they hereby are severally discharged from the said assessment, and the Treasurer of this Commonwealth, and the assessors and collectors of the town of *Topsfield*, are hereby directed to govern themselves accordingly.

XVIII.

Resolve on the petition of *Thomas Porter*, directing the Treasurer to discharge the town of *Topsfield* from *one hundred and twenty-eight pounds*, upon condition, &c. *January 29, 1785.*

Upon the petition of *Thomas Porter*, shewing, that the town of *Topsfield* are called upon to pay *one hundred and twenty-eight pounds*, for the deficiency of one man, as apportioned upon and required of the said town by a resolve of the 2d of *December, 1780*: And whereas by another resolve of *November 1st, 1782*, the said *Porter* was required to procure a man to supply the said deficiency, or pay the sum of *eighty-five pounds thirteen shillings*, which he hath neglected to do, and the said *Porter* having prayed the further consideration of this Court thereon:

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed to discharge the town of *Topsfield* from the payment of the said sum of *one hundred and twenty-eight pounds*, the said *Porter* paying into the treasury of this Commonwealth the sum of *eighty-five pounds thirteen shillings*, and upon his neglect to do for the space of forty days, the said Treasurer is hereby directed to issue his execution against the said *Porter* for the said sum of *eighty-five pounds thirteen shillings*, agreeably to the said resolve of *November 1st, 1782*, returnable in forty days from the date of the same writ.

XIX.

Resolve on the petition of *Col. Timothy Bigelow*, granting him *twenty-nine pounds fourteen shillings and nine pence.* *January 29, 1785.*

On the petition of *Timothy Bigelow*, Esq; setting forth, that in the beginning of the late war he was Major in a regiment whereof *Jonathan Ward*, Esq; was Colonel, and was made up in a muster-roll for the pay of the said regiment, from the 19th day of *April, 1775*, for three months and twenty days; that at the time of making up the said roll he was in *Canada*, and did not return from that place, where he was a prisoner, until the fall of the year *1776*, which was the reason of his not receiving his pay at the time the money was due on the said roll; that immediately upon his return his whole time was taken up in raising a regiment in the continental service, and that he has never applied for his said wages until very lately, when he was informed by the present Treasurer of the said Commonwealth, that he was not at liberty to pay the money upon the former warrant annexed to the said roll, without some further order from this Court, and that he never has received any part of his wages borne on the said roll.

And whereas it appears, that the said *Bigelow* was made up in the aforesaid roll for his service aforesaid, the sum of *twenty-nine pounds fourteen shillings and nine pence*, and it doth not appear that he ever has been paid; but that soon after the aforesaid warrant was drawn on *Henry Gardiner*, Esq; then Treasurer of the said Commonwealth, viz. in *June 1776*, the said *Gardiner* settled his accounts with the said Commonwealth, and was allowed the whole of the said warrant, which included the said *Bigelow's* wages aforesaid.

Resolved, That the Treasurer of this Commonwealth for the time being, be, and hereby is directed to pay the aforesaid *Timothy Bigelow*, Esq; the aforesaid sum of *twenty-nine pounds fourteen shillings and nine pence*, in full for his services as aforesaid, and that the said Treasurer charge the same to the account of the said Commonwealth against the estate of the said *Gardiner*.

Resolve

XX.

Resolve on the petition of *Noah Mc Intire*, directing him to make up a roll for his services at *Brookfield*, and allowing him eight pounds for nursing his son. *January 31, 1785.*

On the petition of *Noah Mc Intire*, praying for an allowance for wages, doctoring, nursing, and providing necessaries in sickness for his son, *Noah Mc Intire*, jun. who was a draughted soldier for the term of six months, to guard the public stores at *Brookfield* :

Resolved, That the prayer of the said petition be granted ; and that Captain *Benjamin Truman*, of *Sturbridge*, who was the Lieutenant that commanded the guards at *Brookfield*, in the year 1778, be, and he hereby is empowered and directed to return into the Secretary's office of this Commonwealth, a muster-roll, authenticated in the usual manner ; in which roll he is hereby directed to make up the aforesaid *Noah Mc Intire*, jun. at forty shillings per month for the six months that he was a draughted soldier in the public service, as set forth in the said petition ; and his Excellency the Governor, with advice of Council, is hereby empowered to examine said roll, and pass the same for payment.

And be it further Resolved, That there be paid out of the treasury of this Commonwealth, to the petitioner aforesaid, the sum of eight pounds, which is to be in full for his providing for, and for the doctoring and nursing of the said *Noah Mc Intire*, jun. while he was in the service of the United States, and that the same be charged to the United States.

XXI.

Resolve on the petition of *Abijah Kendall*, directing him to notify *Robert White* to appear the second Wednesday of next session, &c. *Jan. 31, 1785.*

On the petition of *Abijah Kendall*, setting forth, that *Robert White* hath obtained an enormous judgment against him :

Resolved, That the petitioner serve the said *Robert* with a copy of his petition and this resolve, fourteen days before the second Wednesday of the next sitting of the General Court ; and that the said *Robert* may appear on the same day, and shew cause, if any he hath, why the prayer of the said petition should not be granted ; and all process on the said judgment shall be stayed in the mean time.

XXII.

Resolve remitting taxes in *Dukes-County*, on the representation of the several towns in said county. *January 31, 1785.*

On the memorial and petition of the Representatives of the several towns in *Dukes-County* :

Resolved, That the prayer of the petition of *Ebenezer Smith*, *Samuel Norton* and *Shubael Cottle*, Representatives for the several towns in *Dukes-County*, be so far granted, that the said towns be exempted from paying any part of the several species of taxes (or fines for not raising of men for supporting the late war) which have been required of them by the General Court of the *Massachusetts*, since the last day of *December*, A. D. 1777, to the first day of *March*, 1783. The said towns are also exempted from paying their several proportions of the tax for three years and three and five months-men, set to the said

said towns in the state-tax granted in *March, A. D. 1783* : And the said towns shall be only held severally to pay their equal proportion of the state-tax for the sum of *two hundred thousand pounds*, granted in *March* aforesaid ; and also all the arrearages of taxes due from each of the said towns before the first day of *January, 1778*, excepting such sum or sums of public monies as were taken from the Collector of the town of *Edgartown* by the *British* troops, being part of the monies collected of the inhabitants of the town aforesaid, to discharge their public taxes for the year 1777, viz. *three hundred thirty-six pounds five shillings and three pence*, in Continental bills of credit.

XXIII.

Resolve on the petition of *Ezekiel Kendall*, directing him to serve *Benjamin Kent* and others with a copy of his petition and this resolve, &c. *February 1, 1785.*

On the petition of *Ezekiel Kendall*, setting forth, that *Benjamin Kent* and others hath obtained an enormous judgment against him :

Resolved, That the petitioner serve the said *Benjamin Kent* and others with a copy of his petition and this resolve, fourteen days before the second Wednesday of the next sitting of the General Court, that the said *Benjamin Kent* and others may appear on the same day, and shew cause, if any they have, why the prayer of the petitioner should not be granted ; and all process on the said judgment shall be stayed in the mean time.

XXIV.

Resolve on the representation of the Commissary of Pensioners, entitling *Edmund Potter* to one-third pay. *February 1, 1785.*

On the representation of *John Lucas, Esq;* Commissary of Pensioners, in behalf of *Edmund Potter*, a soldier, who was debilitated while in the service of the United States :

Resolved, That the said *Edmund Potter* be entitled to receive one-third part of pay as a soldier, from the twelveth day of *June, 1783*, till the further order of the General Court or Congress.

XXV.

Resolve on the petition of *John Darling*, directing the Treasurer to issue notes in his favour, in lieu of others obtained by a forged order, and to prosecute the offender. *February 1, 1785.*

On the petition of *John Darling*, setting forth, that wages were due to him for his service as a soldier in the Continental army ; but that, previous to his making application to the Treasurer for his notes, a forged order was presented therefor by one *John Baker*, and notes made out and delivered accordingly, wherefore he hath never been able to obtain his said wages.

And whereas it appears to this Court that the said order was false and forged : Therefore,

Resolved, That the Treasurer be, and he hereby is directed to issue a note or notes to the said *John Darling*, to the amount of the wages due to him as aforesaid, in the manner prescribed by law ; and to take every possible measure for detecting and bringing to justice the perpetrators of the forgery and fraud aforesaid.

XXVI.

Resolve on the petition of *Thomas Stevens*, granting him notes in lieu of notes obtained by forged order. February 1, 1785.

On the petition of *Thomas Stevens*, setting forth, that wages were due to him for his services as a soldier in the Continental army ; but that, previous to his making application to the Treasurer for his notes, a forged order was presented therefor by one *Stephen Curtis*, and notes made out and delivered accordingly, wherefore he hath never been able to obtain his said wages.

And whereas it appears to this Court that the said order was false and forged : Therefore,

Resolved, That the Treasurer be, and he hereby is directed to issue a note or notes to the said *Thomas Stevens*, to the amount of the wages due to him as aforesaid, in the manner prescribed by law ; and take every possible measure for detecting and bringing to justice the perpetrators of the forgery and fraud aforesaid.

XXVII.

Resolve granting a tax, to be assessed on the inhabitants and estates of *Dukes-County*. February 1, 1785.

On the representation of the Justices of the Court of General Sessions of the Peace for the county of *Dukes-County*, praying that they may be empowered to assess, upon the inhabitants and estates within the same, the sum of *one hundred and eighty pounds*, to defray necessary charges that have arisen :

Resolved, That there be, and hereby is granted a tax of *one hundred and eighty pounds*, to be apportioned and assessed on the inhabitants of the said county and estates lying within the same ; and to be collected, paid and applied for the use of the said county, agreeable to the laws of this Commonwealth.

XXVIII.

Resolve on the petition of Messieurs *Adams* and *Nourse*, directing the Treasurer to pay them from any money in his office, &c. February 2, 1785.

On the petition of *Thomas Adams* and *John Nourse*, Printers to the General Court :

Resolved, That the prayer of the petition be so far granted, as that the Treasurer be, and he is hereby empowered and directed to discharge any warrants they may have on him for printing for the General Court aforesaid, out of any monies he may have in his hands, and re-place the same out of the first monies he shall receive into the treasury that is not appropriated.

XXIX.

Order on the petition of *Thomas Ives*. February 2, 1785.

On the petition of *Thomas Ives* :

Ordered, That the petition of *Thomas Ives*, Collector of impost and excise in the county of *Berkshire*, with the papers accompanying, be referred to the Attorney-General of this Commonwealth ; and that he be, and hereby is directed to enquire into the facts alledged therein, and to take such measures thereon as may appear to him consistent with the laws, and for the interest of this Commonwealth.

XXX.

Resolve granting *twenty pounds ten shillings* to Mr. *John Marston*, being the balance of his account for providing a public dinner on the return of peace. *February 3, 1785.*

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, the sum of *twenty pounds ten shillings*, to Mr. *John Marston*, in full discharge of the remainder of his account against the Governor, for his providing an entertainment on the 25th day of *February, 1784*, on the celebration of the return of peace.

XXXI.

Resolve granting *two hundred and eighty-five pounds fourteen shillings and ten pence*, to Capt. *Caleb Hopkins*, as store-keeper to the late board of war of this State. *February 3, 1785.*

Whereas it appears by a certificate from *Thomas Ivers*, one of the committee for settling the accounts of the late board of war, that there is a balance of *two hundred and eighty-five pounds fourteen shillings and ten pence*, due to Capt. *Caleb Hopkins*, for balance of his account, as store-keeper to the said board :

Resolved, That there be allowed and paid to Capt. *Caleb Hopkins*, out of the treasury of this Commonwealth, the sum of *two hundred and eighty-five pounds fourteen shillings and ten pence*, in full discharge for the balance due to him from the late board of war.

XXXII.

Resolve on the petition of *James Nichols*, directing the Treasurer to pay him *forty-four pounds nineteen shillings and three-pence half-penny*, with interest. *February 3, 1785.*

Upon the petition of *James Nichols*, setting forth, that in *December, 1782*, he lodged in the Treasurer's office a receipt given by *Henry Gardiner, Esq;* late Treasurer of this Commonwealth, in favour of *John Sexton*, a collector of taxes of the town of *Deerfield*, in the county of *Hampshire*, dated *June 21st, 1782*, for the sum of *two hundred and twenty pounds*, the property of the said *Nichols*; that an execution was issued to the Sheriff of the said county, by *Thomas Ivers, Esq;* present Treasurer, against the said *John Sexton*, in favour of the said *Nichols*, for the amount of the said receipt, with the addition of five per cent. agreeable to a resolve of the General Court passed the second day of *November, 1782* :

Whereas there appears to this Court, that there was a mistake of *five pounds ten shillings*, in the addition of the five per cent. in the sum before mentioned; that the said *John Sexton* has since deceased, insolvent, and that it appears that the sum of *one hundred and eighty-eight pounds and eight pence two farthings only*, is received by the said *Nichols* on the said execution, and that there is due to the said *James Nichols* the sum of *forty-four pounds nineteen shillings and three pence half-penny*, together with the interest : Therefore

Resolved, That the Treasurer pay out of the treasury of this Commonwealth, unto *James Nichols*, the sum of *forty-four pounds nineteen shillings and three pence half-penny*, together with the interest on the said sum; in full for the sum due by the receipt aforesaid.

XXXIII.

Resolve on a representation of *Stephen Choate*, Esq; directing him to pay the sum mentioned, into the treasury. *February 4, 1785.*

On the representation of the Hon. *Stephen Choate*, Esq; agent for the Commonwealth of *Massachusetts*, praying for direction in what manner he may be discharged the sum of *nine pounds twelve shillings*, which he has received in the behalf of the said Commonwealth, as rent for the improvement of *Thatcher's Island* (so called) for the year 1783 :

Ordered, That the said *Stephen Choate*, Esq; be, and he is hereby directed to pay into the public treasury, the sum of *nine pounds twelve shillings*, taking duplicate receipts therefor, one of which to be lodged in the Secretary's office.

XXXIV.

Resolve committing the machine for boring cannon, and a quantity of copper at *Bridgewater*, to the care of *Hugh Orr*, Esq; and that a return thereof be made to the Commissary-General. *February 5, 1785.*

Whereas a machine for boring cannon, and a quantity of unrefined copper, the property of this Commonwealth, are now at *Bridgewater*, under the care of the Hon. *Hugh Orr*, Esq; and it is judged expedient that the same should remain there : Therefore

Resolved, That the said machine and copper be still kept at the said place, under the care of the Hon. *Hugh Orr*, Esq; and that a return be made to the Commissary-General of the said machine, and of the weight of the said copper, the weight thereof to be taken by the said *Orr*, in conjunction with Captain *David Kingman*, of the said *Bridgewater*, who are directed to make their return accordingly.

XXXV.

Resolve on the petition of *Daniel Souther* and others, proprietors of *Hull*, authorizing them to level works erected there, and directing the Commissary-General to cause the barracks to be appraised, &c. *February 7, 1785.*

On the petition of *Daniel Souther* and *Thomas Jones*, for themselves and others, proprietors of lands in the town of *Hull*, praying, for reasons set forth in the said petition, that they may be permitted to level the fort, and to have the barracks, platforms, and small buildings, erected in the year 1776, by order of the committee of fortifications, and now standing in the said town :

Resolved, That the prayer of the said petition be so far granted, that the said proprietors be, and they are hereby authorized and permitted to level any works or redoubts that may have been erected in the town of *Hull*, except the principal fort, which it is not expedient to demolish. *And it is further*

Resolved, That the Commissary-General be, and he hereby is empowered and directed, as soon as conveniently may be, to cause all the barracks and platforms in the town of *Hull*, belonging to this Commonwealth, except those in the principal fort; to be appraised, at the expence of the said proprietors, by three discreet, disinterested persons, whom he shall appoint for the purpose, and also call on the several proprietors and others, who have suffered in their lands, houses, or fences, in consequence of the forts or barracks aforesaid having been erected, to lay before him an account of the losses and damages sustained by them respectively; and the barracks and platforms, except as before excepted, shall

shall be divided among the present proprietors and others, who were actually injured as aforesaid, in proportion to each person's loss or damage; and the Commissary-General shall assist in the division of the buildings, and materials, and shall, when the whole is completed, lodge in the Secretary's office the appraised value of the barracks and platforms, and the name of each person, and the amount of such part of the buildings and materials as they respectively receive.

XXXVI.

Resolve directing that the district of *Orange* be at the charge of maintaining forever, the bridge over the river *Tully*. *February 7, 1785.*

Resolved, That the district of *Orange*, forever hereafter, be at the charge of maintaining the bridge over the river *Tully*, (so called) and the cause-way on that road from said bridge, to the poles that are laid going on to the little bridge between the two rivers, which shall be the full proportion of the charges of maintaining the bridges, and roads in the town of *Athol*, to be borne by the district of *Orange* for the future.

XXXVII.

Resolve on the petition of *Dinah Spear*, directing guardians to *Natick* Indians to dispose of the lands mentioned. *February 7, 1785.*

On the petition of *Dinah Spear*, of *Natick*, in the county of *Middlesex*, Indian woman, praying for liberty to sell several pieces of land mentioned in her petition, and for reason therein contained:

Resolved, That the prayer of the said petition be granted; and that *Josiah Stone*, Esq; *Joseph Twitchel* and *Elihu Kingbury*, guardians to the *Natick* Indians, be, and they are hereby fully authorized to sell the aforesaid pieces of land for the most the same will fetch, and make and execute a good and lawful deed or deeds of the same to the purchaser or purchasers thereof; and the money arising by the sale, after paying reasonable charges, shall by the said guardians be applied the one half for the payment of the said *Dinah's* debts; and her further support, as they shall think reasonable, and the other half of the said money, being the property of *Sarah Pero*, sister of the petitioner, shall be put on interest, and the principal and interest reserved and improved by the said guardian for the benefit of the said *Sarah Pero*.

XXXVIII.

Resolve continuing a resolve directing the common law Courts to suspend making up judgment on actions brought by real *British* subjects, &c. for interest. *February 7, 1785.*

Whereas the resolve passed the tenth day of *November* last, directing the common law Courts to suspend rendering judgment for interest on actions brought by real *British* subjects or absentees, to the third *Wednesday* of the present sessions of the General Court, expired on the second day of *February* instant: And whereas the legislature have not as yet obtained the sense of Congress upon the fourth article in the treaty of peace, which provides only for the payment of *bona fide* debts, as was expected, and a further time being necessary for that purpose: Therefore,

Resolved, That the said resolution of the tenth of *November* last be, and hereby is declared to be continued in full force, and shall operate in all cases as

fully until the further order of the General Court, as the said resolution of the tenth day of *November* last might have operated previous to the third Wednesday of the present session of the General Court.

XXXIX.

Resolve on the petition of *Josiah Bowers* and *William Thompson*, agents for the proprietors of *Tyng's* township. February 7, 1785.

On the petition of *Josiah Bowers* and *William Thompson*, agents for the proprietors of *Tyng's* township, (so called) in behalf of themselves, and the heirs and assigns of *Captain William Tyng*, and others (excepting the heirs of *Benjamin Trecoff* and *William Holden*, who have been compensated heretofore) to whom was granted a township of land on the east side of *Merrimack* river, between *Syncoak* and *Litchfield*, containing about twenty-three thousand acres, in consideration of their sufferings and services in performing a dangerous march in the winter season of the year 1703, upon snow-shoos, in quest of the Indian enemy, which township fell within the government of *New-Hampshire*, on running the line between the then province of the *Massachusetts-Bay* and *New-Hampshire*, for which they have received no consideration :

Resolved, That in lieu thereof there be granted a township of land to the legal representatives or assigns of the said *Captain William Tyng*, and his company, out of the unappropriated lands within this Commonwealth, which is to consist of six miles square, and with the public lots is to make the complement of sixty-four shares, provided that the grantees, within six years, settle thirty families in the said township, build a meeting-house, and settle a learned protestant minister, and lay out one sixty-fourth part of the said township for the use of the first settled minister, and one other sixty-fourth part for the ministry, and one other sixty-fourth part for a grammar-school, and one other sixty-fourth part for *Harvard-College*; and return a plan into the Secretary's-office, taken at the expence of the grantees by a surveyor and chainmen under oath, to be appointed and instructed by the committee appointed by a resolve of the General Court of the twenty-eighth day of *October*, 1783, on the subject of the unappropriated lands in the county of *Lincoln*, within twelve months from this day, for confirmation: *Provided also*, That the said township be laid out in such part of the unappropriated lands belonging to this Commonwealth, adjoining to some former grant to the eastward of *Saco* river, as shall be directed by the committee aforesaid, and also that the rights of such of the original grantees, their heirs or legal representatives, who shall neglect for the space of three years after the said township shall be laid out, to exhibit the evidence of their right under the original grantees to the Secretary's-office, shall revert to the Commonwealth.

XL.

Resolve granting *Samuel Breck*, Esq; three hundred and forty-one pounds fourteen shillings and seven pence, in full for erecting a hospital at the west part of *Boston*, and directing the commissary to take measures for securing the same. February 8, 1785.

Resolved, That there be paid out of the public treasury to *Samuel Breck*, Esq; the sum of three hundred and forty-one pounds fourteen shillings and seven pence, being in full of his accounts of payments advanced for erecting the hospital at the westerly part of the town of *Boston*.

Resolved further, That the commissary-general be, and hereby is directed to take proper measures for the security of the said hospital.

Resolved

XLI.

Resolve on the petition of the town of *Ludlow*, permitting them to exhibit beef receipts, and empowering the Governor and Council to examine the same. February 9, 1785.

On the petition of the selectmen of the town of *Ludlow*, setting forth that the said town procured three thousand six hundred ninety-nine pounds of beef, in part of the several quotas of beef required of the said town by the resolves of the General Court, but through mistake have not returned the receipts therefor, agreeable to the orders of government, and that execution hath issued against the said town, and praying that the said receipts may now be exhibited for examination and allowance:

Resolved, That the town of *Ludlow* be permitted to exhibit the said receipts for beef to the Secretary at any time before the twentieth day of *March* next; and the Governor and Council are hereby empowered to receive and examine the said receipts in the same manner, and on the same condition, as if the same had been exhibited in due season.

XLII.

Resolve on the memorial of *William Wetmore* and *Sally Wetmore*, administrators on the estate of the late Brigadier *Waldo*, deceased, with directions to the attorney-general. February 9, 1785.

On the memorial of *William Wetmore* and *Sally Wetmore*, administrators on the estate of the late Brigadier-General *Waldo*, deceased, praying that the lands late the property of *Francis Waldo*, Esq; absentee, in the county of *Cumberland*, and which were confiscated to the use of the Commonwealth, may be held to answer its proportion of sundry claims against the estate of the said Brigadier *Waldo*, to which estate the said *Francis Waldo* was an heir:

Whereas it appears to this Court, by papers from the Probate Office and Supreme Judicial Court, that sundry demands do now actually exist against the estate of the said Brigadier *Waldo*, and for the payment of which the paternal estate of the said *Francis Waldo*, Esq; is answerable for one fifth part: And whereas sundry lots of land in the county of *Cumberland* was part of the paternal estate aforesaid, being in a division belonging to the said *Francis Waldo*, and since confiscated by this government: Therefore

Resolved, That the estate confiscated in the county of *Cumberland*, as the estate of the late *Francis Waldo*, Esq; an absentee, or such part thereof as is now un-fold, be held and applied to the payment and discharge of the said *Francis Waldo's* proportion, being one fifth of such legal debts and demands against the late Brigadier *Waldo*, as now, according to law, remains unsatisfied; and that the committee for the sale of confiscated estates in the said county, in concurrence with the administrators of the said estate of Brigadier *Waldo*, take such measures that the said estate may be sold for the best interest of the Commonwealth and the creditors, as soon as may be. And in order to prevent any fraud or illegal claims being recovered against the said estate, it is hereby further

Resolved, That the attorney-general of this Commonwealth be, and he is hereby directed to examine such claims and demands as aforesaid, and to contest the same in the Courts of law, if necessary, and certify to the committee the real amount of the debts that may be legally recovered, which certificate shall be their government in paying the administrators aforesaid their just proportion.

XLIII.

Resolve on the petition of *Jonathan Cunningham*, appointing a committee to set off to this Commonwealth, a part of a farm, belonging to *John Murray*, an absentee, &c. February 10, 1785.

On the petition of *Jonathan Cunningham*, praying that a committee may be appointed to set off a part of his farm, in *Oakham*, in consideration of a sum of money due to *John Murray*, an absentee, for which said farm was mortgaged, and now becomes the property of this Commonwealth :

Resolved, That the prayer of the petition be granted, and that *Daniel Clap*, *Rufus Putnam*, Esq's. and Mr. *Jonas Howe*, be a committee to appraise and set off, to the use of this Commonwealth, where, in their opinion it shall be most beneficial to the State, and least prejudicial to the said farm, as much of the said land as shall be sufficient to pay the debt and necessary charges ; and the committee for the sale of absentees estates are directed to execute a good and lawful deed to the said *Cunningham*, of the remainder of the said farm.

XLIV.

Resolve granting *thirty pounds*, to purchase books for the agents to support the claim of this State to lands west of *Hudson's River*, and granting the said agents *four thousand five hundred pounds*, and approving their conduct. February 10, 1785.

Resolved, That the Secretary be, and he is hereby directed to procure, by purchase or otherwise, such books as are mentioned in the annexed list, and such other as the agents appointed to support the claim of this Commonwealth to lands westward of the river *Hudson* may require, and to deliver the same to the said agents, for their use in the business assigned to them, they to be accountable for the same.

Resolved, That there be paid out of the treasury, to the Secretary, to enable him to purchase the said books, the sum of *thirty pounds*, he to be accountable for the expenditure of the same.

Resolved, That the Secretary do furnish and deliver to the said agents such original papers or copies of papers as they may require, taking copies of such original papers as he may deliver to them, they to give receipts for such books and original papers as may be delivered to them as aforesaid, and to return the same into the Secretary's office.

Resolved, That the exact latitude of such point or points, on either or both the side lines of this Commonwealth, be taken, as the agents may direct, and by such persons as they may appoint.

Resolved, That the sum of *four thousand five hundred pounds* be allowed and paid out of the treasury, to the said agents, for the purpose of defraying the expences which may arise in prosecuting the business of their agency, they being accountable therefor.

Resolved, That the said agents, so far as they have proceeded, have discharged the important trust committed to them, to the entire satisfaction of the General Court.

XLV.

Resolve on the petition of *Stephen Cross*, empowering him to sweep *Penobscot River* for wrecks, &c. at his cost. February 11, 1785.

On the petition of *Stephen Cross*, praying, for reasons mentioned therein, that

that he may have liberty to weigh such wrecks or parts of wrecks, sunk in the river *Penobscot*, as he may be able to get up :

Whereas there is a probability that such wrecks or parts thereof, sunk in the river *Penobscot*, in the expedition against that post, as might be saved, if fought for the ensuing season, will be otherwise totally lost. And whereas *Stephen Cross*, Esq; has petitioned this Court for liberty to sweep the said river for that purpose, and it appears that he is well qualified for the undertaking :

Resolved, That *Stephen Cross*, Esq; be, and he hereby is authorized and empowered to sweep the river *Penobscot*, and by such means as he may judge proper, at his own cost and charges, without any expence to, or reimbursement from this Commonwealth, attempt the weighing and getting up such of the wrecks of vessels, or parts thereof, lost in the said river on the expedition against that post, as he may judge expedient, the said *Cross* keeping an account of the expences he may be at, and of the several articles he may weigh and secure, and being accountable to Congress therefor, or as shall hereafter otherwise be ordered.

XLVI.

Resolve continuing a resolve of *October 4th, 1783*, authorizing *Charles Chandler* and others to improve part of the estate of their father, *John Chandler*, Esq. *February 11, 1785.*

Resolved, That the resolve of the General Court of *October 4th, 1783*, authorizing *Charles Chandler*, and others, to take possession of, and to improve part of the estate of their father, *John Chandler* Esq; late of *Worcester*, an absentee, be, and shall remain in full force for two years from the date hereof, the resolve of *July 2d, 1784*, notwithstanding.

XLVII.

Resolve granting *twenty-seven pounds nine shillings and six pence* to the committee for surveying *Bakers-town* and *Andros-coggin-River*, in full of their account, *February 11, 1785.*

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the Hon. *Jonathan Greenleaf*, Esq; one of the aforesaid committee, the sum of *twenty-seven pounds nine shillings and six pence*, in full of the said committee's account for the survey of *Bakers-town* and *Andros-coggin-River*, planning, measuring and other services done by the said committee, as by their account exhibited the 31st of *January, 1785*, and that he be accountable to each of the said committee according to the account aforesaid.

XLVIII.

Resolve entitling *Edward Sharman* to one third pay from *January 1780*, until further order. *February 12, 1785.*

On the representation of *John Lucas*, Esq; commissary of pensioners, in behalf of *Edward Sharman* a soldier, who lost his right hand in the service of the United States :

Resolved, That the said *Edward Sharman* be entitled to one third part of pay as a soldier, from the first day of *January, 1780*, till the further order of the General Court or Congress.

XLIX.

Resolve granting *five hundred and sixty pounds* to defray the charges of the county of Cumberland. February 12, 1785.

Whereas it appears from an estimate of the Justices of the Court of General Sessions of the peace of the county of Cumberland, made on the last Tuesday of October 1784, that the sum of *five hundred and sixty pounds* will be necessary for defraying the charges of the said county for one year then next ensuing :

Resolved, That there be, and hereby is granted, a tax of *five hundred and sixty pounds*, to be apportioned and assessed on the inhabitants of the said county and estates lying within the same, and collected, paid, and applied for the use of said county, according to the laws of the Commonwealth.

L.

Resolve discharging the guardians of the Dudley Indians, of *sixty pounds eighteen shillings and six pence*, they to stand chargeable with the sum of *twenty pounds one shilling and six pence*. February 12, 1785.

Whereas it appears that the guardians of the Dudley Indians are chargeable with the incomes of the said Indians estate, from the year 1776 to 1785, at *nine pounds* per year, amounting to *eighty-one pounds*, and upon examination of the said guardians accounts of disbursements, it appears they are well vouched and right cast, and for the use of the said Indians, amounting to the sum of *sixty pounds eighteen shillings and six pence* : Therefore,

Resolved, That the guardians of the Dudley Indians be, and hereby are discharged the sum of *sixty pounds eighteen shillings and six pence* ; and that they be further chargeable with the sum of *twenty pounds one shilling and six pence*, being the balance of their account.

LI.

Resolve defining the bounds of Littlefalls and Massabesek, in order for their levying and collecting taxes. February 12, 1785.

Whereas inconveniences have arisen in the plantations of Littlefalls and Massabesek, in the county of York, respecting the levying and collecting taxes, for want of determining the extent of the said plantations respectively :

It is therefore *Resolved*, That the plantation of Littlefalls shall contain the tract of land bounded as follows, viz. beginning at the northerly corner of the town of Biddeford, at Saco-River, thence running south-westerly by the head lines of Biddeford and Arundel, about four miles to the easterly corner of Coxhall, thence northerly by Coxhall to the northerly corner thereof, thence on the course last mentioned to the little Ossapee-River, thence easterly by the river last mentioned to Saco-River, thence easterly by Saco-River to the place begun at.

And it is further *Resolved*, That the lands laying between Sanford and Shapleigh, on the south-west, the river of the Little-Ossapee on the north, the plantation of Littlefalls on the north-east, and the town of Coxhall on the south-east, be known as, and reputed to be the plantation of Massabesek, till the further order of the General Court.

LII.

Resolve on the petition of the inhabitants of the plantation of Massabesek, in the county of York, directing the Treasurer to recall all warrants issued for taxes, and the Sheriff to return executions. February 12, 1785.

Whereas

Whereas the inhabitants of the plantation of *Massabesek*, in the county of *York*, have preferred a petition to the General Court, setting forth their extreme poverty and inability to pay the taxes that have been laid upon them since the first of *January*, in the year 1781, and previous to the first day of *July* last, and praying to have the same abated :

Resolved, That the prayer of the said petition be so far granted, as that the Treasurer of this Commonwealth be, and he hereby is directed to recall all the warrants that have issued from the said office, to the said plantation for taxes previous to the first day of *July* last, and which have not been paid into the said office, and to issue his warrant to the assessors of the said plantation of *Massabesek*, for the sum of *five hundred and twenty-five pounds*, instead of the sums heretofore assessed upon them.

Also *Resolved*, That the assessors of the said plantation be, and they are hereby directed to assess the same on the polls and estates of the said inhabitants and non-resident proprietors, in the manner prescribed in the act of *July* 1784.

Also *Resolved*, That the Sheriff of the county of *York* be, and he is hereby directed to return the execution which he has against the collector or collectors of the said plantation, and if any part thereof has been paid, that the said plantation have credit for the same out of the above sum of *five hundred and twenty-five pounds*.

LIII.

Resolve on the petition of *Jirab Willis*, empowering him to sell a certain tract of land devised to him by his father. *February* 14, 1785.

Whereas it appears by the representation of *Jirab Willis*, that his late father, *Samuel Willis*, did, in and by his last will and testament, give and devise to the said *Jirab Willis*, a certain tract of land, lying and being in *Dartmouth*, in the county of *Bristol*, during the term of his natural life, and after the decease of the said *Jirab*, to his the said *Jirab's* heirs, in fee simple, to be divided between them : And whereas it further appears by the said representation, that the said *Jirab* is unable to discharge the taxes for the said lands now due to the Commonwealth, and for the education of his children, in whom the fee of said land is, all which children, except one absent, join in the prayer of the said *Jirab* for the sale of so much of the west end of the said land as to raise the sum of *one hundred and twenty pounds*, for the payment of the said taxes and education of the said children : Therefore

Resolved, That the said *Jirab Willis*, be, and he hereby is authorized and empowered to sell so much of the west end of the said land devised to him by the last will and testament of his said late father, at public auction, he first notifying the same in writing, in some public place in the town where the said land is, three weeks successively, as will raise the sum of *one hundred and twenty pounds*, for the purpose aforesaid, and to give good and sufficient conveyance of the same, in fee simple, to any person or persons who may purchase the same, and such sale shall be deemed in law as valid as tho' the fee of such land so sold was in the said *Jirab Willis*, any law to the contrary notwithstanding.

LIV.

Resolve granting a tax of *three hundred and fifty pounds*, to defray the charges of the county of *Barnstable*. *February* 14, 1785.

Whereas it appears from an estimate of the Justices of the Court of General Sessions of the peace for the county of *Barnstable*, made on the first Tuesday of

of December last, that the sum of *three hundred and fifty pounds* will be necessary for defraying the charges of the said county to that time : Therefore

Resolved, That there be, and there hereby is granted a tax of *three hundred and fifty pounds*, to be apportioned and assessed on the poles and estates of the inhabitants of said county, to be collected, paid and applied for the use of the said county according to the law of this Commonwealth.

LV.

Resolve on the petition of *John Rowe, Esq.* February 14, 1785.

On the petition of *John Rowe, Esq.* praying that the Judge of Probate for the county of *Middlesex* may be empowered to grant his warrant to commissioners for the settling the estate of *Jonathan Sewall, Esq.* for a further time, that thereby he may have an opportunity to exhibit his claim for allowance :

Resolved, That the prayer of the petition be so far granted, that the Judge of Probate of Wills, &c. for the county of *Middlesex* be, and he is hereby authorized and empowered, on application, to appoint commissioners to examine the claims of *John Rowe, Esq.* on the estate of *Jonathan Sewall, Esq.* for the term of one month from the time of their appointment for the purpose aforesaid, at the expence of the said *Rowe*, that he may have an opportunity to exhibit his claim within the term mentioned, any law or resolve to the contrary notwithstanding.

LVI.

Resolve on the petition of *Ephraim Fairbanks, Esq.* in behalf of *Stephen Hudson* and *John Barnard*, directing the Treasurer to issue new notes. February 14, 1785.

Whereas it appears to this Court, that *Stephen Hudson* and *John Barnard* were soldiers in the continental army, in Col. *Bigelow's* regiment and Capt. *Daniel Barnes's* company, and had wages justly due to each of them, and that some evil-minded person by a false and forged order, has taken from the soldiers their just due : Therefore

Resolved, That the Treasurer be, and he is hereby directed to issue notes to the said *Hudson* and *Barnard* respectively, in manner and form as by law is directed, for the sums to which they were intitled at the time of presenting said forged order ; and whenever the said notes already issued shall be presented at the treasury, the Treasurer is hereby directed to give the earliest notice thereof to the Attorney-General, who shall use his endeavours to discover the persons concerned in obtaining the said notes already issued.

LVII.

Resolve on the petition of *Ephraim Wilder*, directing the Treasurer to credit the town of *Sterling*, the sum of *nineteen pounds eight shillings and nine pence*. February 14, 1785.

On the petition of *Ephraim Wilder*, for and in behalf of the town of *Sterling*, setting forth that the said town of *Sterling* was fined in the tax-act of *March, 1783*, for the sum of *thirty-eight pounds seventeen shillings and six pence*, for their neglect in not chusing a representative for the year 1782, for reasons therein mentioned :

Resolved,

Resolved, That the prayer of the petition be so far granted, that the Treasurer of this Commonwealth be, and hereby is directed to credit the said town of *Sterling*, in the last state tax, the sum of *nineteen pounds eight shillings and nine pence*, being one half of the said fine.

LVIII.

Resolve on the petition of the Justices of the Court of General Sessions of the Peace for the county of *Worcester*. *February 14, 1785.*

On the petition of the Justices of the Court of General Sessions of the Peace, begun and holden at *Worcester*, on the first Tuesday of *December, 1784*, praying for a grant of the land herein after described, together with the privilege hereafter also mentioned, for the purpose of erecting and accommodating a public county goal :

Resolved, That a certain piece of land in *Worcester* aforesaid, lately owned by *John Chandler*, Esq; and confiscated to the use of this Commonwealth, bounded as follows, *viz.* Beginning at *Timothy Bigelow's* corner, by the county road, by the stream called *Swift-River*; then running southwardly on the said *Bigelow's* line fourteen rods, to a black alder, marked; then eastwardly eight rods, to a stake and stones; then northwardly sixteen rods, to a post in a garden fence, about ten feet eastward of a well by the aforesaid road; then westwardly by the said road, about thirteen rods, to the first mentioned boundary; together with a privilege of making and keeping open a canal from the goal thereon to be erected to the stream aforesaid, extending southwardly, about eight rods from the land before described,—be, and hereby is granted to the county of *Worcester*, for the sole purpose of erecting and accommodating a public goal in the said county, to have and to hold the same to the said county so long as the same county shall continue and maintain a public goal thereon, or shall rebuild the same; and this resolve when recorded in the Registry of Deeds in the same county, and in the records of the said Court of Sessions, shall be a good and sufficient title to hold the above granted premises in manner as aforesaid.

LIX.

Resolve empowering the overseers of *Boston* to contract for taking care of State sick. *February 16, 1785.*

Resolved, That the overseers of the poor of the town of *Boston* be empowered to contract with a physician to attend upon and provide medicines for such sick persons, being of the poor belonging to this Commonwealth, as now are or may be in the alms-house in the town of *Boston*, till further order of the General Court.

LX.

Resolve on the petition of *Loammi Baldwin*, sheriff of the county of *Middlesex*, empowering him to receive consolidated notes for the estate of *Elisha Cutler*. *February 16, 1785.*

On the petition of *Loammi Baldwin*, Esq; sheriff of the county of *Middlesex*, respecting the sale of the estate of *Elisha Cutler*, of *Waltham*, in the county aforesaid, in which execution has been extended in favour of this Commonwealth :

Whereas the said *Baldwin*, by a resolve of this Court, has been directed to postpone the sale of the aforesaid estate until the 17th instant :

Resolved, That the said *Baldwin* be, and he is hereby impowered to receive specie or consolidated notes of this Commonwealth, (as he shall judge most for the interest of government) for the estate of the said *Elisba Cutler*; any law or resolve to the contrary notwithstanding.

LXI. :

Resolve on the petition of *Samuel White*, *Timothy White* and *Phillips White*, allowing an appeal to the Supreme Court of Probate. *February 17, 1785.*

On the petition of *Samuel White*, *Timothy White* and *Phillips White*, praying an appeal to the Supreme Court of Probate, as therein set forth :

Resolved, That the said *Samuel*, *Timothy* and *Phillips*, or either of them, have, and they are hereby granted leave to appeal from the said decree of the said Judge of Probate for the county of *Suffolk*, allowing the account of *William White*, administrator of the estate of *William White*, deceased, to claim the same in the said Court of Probate, and to enter the same at the Supreme Court of Probate, to be held in and for the county of *Suffolk*, on the last Tuesday of *August* next, and to prosecute the said appeal to effect, in the same manner and form as if the same had been prosecuted in due season; any thing to the contrary notwithstanding.

LXII.

Resolve on the petition of the selectmen of *Freetown*, granting *thirteen pounds one shilling and four pence*, to *John Hambleton*. *February 17, 1785.*

On the petition of the selectmen of *Freetown*, setting forth, that through a mistake, *John Hambleton* of the said town was neglected in being made up in a pay-roll, who served for the term of six months, for the said town, in the Continental army, in the year 1780, and praying that he may be allowed his wages for the above service :

Resolved, That there be allowed and paid out of the treasury of this Commonwealth to *John Hambleton*, *thirteen pounds one shilling and four pence*, in full for the above service.

LXIII.

Resolve on the memorial of *Isaac Bacon*, one of the constables of the town of *Barnstable*, for 1774, directing the Treasurer to receive certain bills of old money. *February 17, 1785.*

Whereas it appears to this Court by the memorial of *Isaac Bacon*, one of the constables of the town of *Barnstable*, for the year 1774, and the papers accompanying the same, that a bill of assessment for the sum of *forty-four pounds three shillings and six pence* was committed to him to collect, and *fourteen pounds three shillings and six pence*, part of the said sum, still remains due to this Commonwealth, which sum of *fourteen pounds three shillings and six pence*, the said *Bacon* received in paper currency, and tendered the Treasurer in due season, but through mistake he was not then discharged the same, and he prays that an order may now pass for his discharge, for reasons set forth in his said petition :

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed, to receive of the said *Isaac Bacon*, the sum of *fourteen pounds three shillings and six pence*, in continental bills of the old emission, and give to the said *Isaac Bacon* a discharge for the said sum, any law or resolve to the contrary notwithstanding.

Resolve

LXIV.

Resolve on the petition of *Eli Keys*, granting him liberty to enter his appeal in the action mentioned, he notifying *Samuel Ward* to shew cause, and discharging said *Keys* from goal, he giving bonds. February 18, 1785.

Upon the petition of *Eli Keys*, praying that he may have liberty to enter an appeal upon a writ of *scire facias* sued out against him by *Samuel Ward*, at a Court of Common Pleas, held at *Worcester*, within and for the county of *Worcester*, on the second Tuesday of *June* last, and on the return of which the said *Keys* was defaulted, for reasons set forth in his petition:

Resolved, That the said *Eli Keys* have liberty to enter his appeal in the action aforesaid, at the next Supreme Judicial Court to be holden at *Worcester*, within and for the county of *Worcester*, on the Tuesday next preceding the last Tuesday of *April* next, and to avail himself of any plea or pleas to which he is by law entitled: And the Justices of the same Court are hereby authorized and empowered to take cognizance of the same cause, in the same manner as if it had come regularly before them, the said *Eli Keys* notifying the said *Samuel Ward*, by leaving an attested copy of this resolve fourteen days at least before the sitting of the said Court.

And it is further *Resolved*, That the said *Eli Keys* be discharged from goal, on his giving bonds to prosecute the said appeal to effect, and also to respond to the judgment that may be recovered against him.

LXV.

Resolve appointing *Hugh Orr*, and others, a committee to purchase a barrack at *Cambridge*, to sell certain military stores, and for removing and disposing of others as directed, granting them *one hundred and fifty pounds* to execute the business. February 21, 1785.

Resolved, That *Hugh Orr* and *Caleb Davis*, Esqrs. together with the Commissary-General, or the major part of them, be, and they are hereby authorized and directed to sell, for the most they can obtain, all such shells and broken cannon, the property of this Commonwealth, as are unfit for service.

Also *Resolved*, That the said *Hugh Orr*, and others, as aforesaid, be, and they are hereby authorized and directed to purchase, for the use of this Commonwealth, a barrack, being in the town of *Cambridge*, and in which a quantity of shells and shot are now deposited, provided they can obtain the said barrack for a reasonable price, and provided also they can obtain permission from the proprietors of the land on which the said barrack stands, for the same barrack to remain on the said land; and on procuring the barrack as aforesaid, the said *Hugh Orr* and others as aforesaid, are further directed to remove all such shells and shot as are in the towns of *Boston* and *Watertown*, and deposit them therein, to be kept under the care of the Commissary-General of this Commonwealth, until the further order of the General Court.

And the said *Hugh Orr* and others, as aforesaid, are further directed to remove all the cannon in the town of *Boston*, or elsewhere, excepting such as are in any forts or garrisons belonging to this Commonwealth, to the castle in the harbour of *Boston*, the commander of which is hereby directed to receive and take care of the same.

And whereas there is a large quantity of military and other stores belonging to this Commonwealth, now deposited in a large building called the *Grainery*, in the town of *Boston*, which it is necessary should be removed:

Resolved, That the said *Hugh Orr* and others, as aforesaid, be, and they are further directed to remove all the stores deposited in the said building, either

either to the castle or the barrack at *Cambridge*, as they shall judge best, excepting such of them as they may judge will not be fit for public service, which they are hereby authorized and directed to sell.

And to enable the said *Hugh Orr* and others, as aforesaid, to prosecute the business assigned them by these resolves, *Resolved*, That there be allowed and paid out of the treasury of this Commonwealth to the said *Hugh Orr* and others, as aforesaid, the sum of *one hundred and fifty pounds*, they to be accountable for the same, and to lay their accounts before the General Court for settlement, as soon as may be.

LXVI.

Resolve directing the committee for settling public accounts to settle with *John Lucas*, commissary of pensioners, to the first of *January*, 1785. *February 21*, 1785.

Resolved, That the committee appointed to state the accounts of this Commonwealth be, and they are hereby directed to settle the accounts of *John Lucas*, commissary of pensioners, up to the first day of *January*, 1785, and the said committee are further directed to lay the said settlement before the General Court as soon as may be.

LXVII.

Resolve on the petition of *John Rowe*, Esq; granting him *eighty four pounds five shillings*, as attorney to *Thomas Griffiths*, of *Bristol*, for reasons mentioned. *February 21*, 1785.

On the petition of *John Rowe*, Esq; who has represented and made it appear to this Court, that a quantity of brass kettles, the property of *Thomas Griffiths*, of *Bristol*, in *Great-Britain*, was taken by mistake by the committee of sequestration, and sold as the property of *William Jackson*, an absentee :

Resolved, That there be allowed and paid out of the public treasury, to the said *Rowe*, as attorney to the said *Griffiths*, the sum of *eighty-four pounds five shillings*, in full compensation for the said kettles.

LXVIII.

Resolve on the petition of *James Swan*, directing the Judge of Probate of *Plymouth* to appoint commissioners to examine the claims on the estate of *Peter Oliver*, and *Peter Oliver*, jun. *February 21*, 1785.

On the petition of *James Swan*, praying that the Judge of Probate for the county of *Plymouth*, may be empowered to grant his warrant to commissioners for the settling the estates of *Peter Oliver*, and *Peter Oliver*, jun. Esq's, for a further time, that thereby he may have an opportunity of exhibiting his claim for allowance :

Resolved, That the prayer of the petition be so far granted, that the Judge of Probate of Wills, &c. for the county *Plymouth*, be, and he is hereby authorized and empowered, on application, to appoint commissioners to examine the claim of *James Swan*, as executor of the last will and testament of the deceased *William Dennie*, on the aforesaid estates of *Peter Oliver* and *Peter Oliver*, jun. Esq's, for the term of one month from the time of their appointment for the purpose aforesaid, at the expence of the said *Swan*, that he may have an opportunity to exhibit his claim within the term mentioned ; any law to the contrary notwithstanding.

LXIX.

Resolve granting *five thousand pounds* to the commissary of pensioners, and directing the Treasurer in what manner to pay said sum, and to draw on the treasury for amount of pensions paid. *February 21, 1785.*

On the petition of *John Lucas*, commissary of pensioners, praying for a grant of money to enable him to pay the balances due to the pensioners recorded in his office:

Resolved, That there be allowed and paid out of the treasury of this Commonwealth to *John Lucas*, commissary of pensioners, the sum of *five thousand pounds*, to enable him to pay the several balances due to the pensioners recorded in his office.

And it is further resolved, That the Treasurer of this Commonwealth be, and he is hereby empowered and directed to pay the sum granted by this resolve in certificates, in favour of such persons and for such sum as the said commissary shall request; which certificates shall be received in all taxes heretofore granted, (excepting the two Continental taxes granted in the year 1781, and excepting also the tax granted the last year for the redemption of the army notes, so called) and also monies arising from the sale of any lands belonging to this Commonwealth, which are ordered by government to be sold.

Also resolved, That the Treasurer of this Commonwealth be, and he is hereby directed to draw on the Superintendent of Finance, or Treasury-Board of the United States, (agreeable to a resolution of Congress, passed the 23d of *April, 1782*) for the sum of *twelve thousand two hundred and fourteen pounds twelve shillings and five pence*, being the amount of pensions already paid; and which became due the first day of *January, 1785*. And the Treasurer aforesaid is further directed to transmit, with his draft, an attested list of the Continental pensioners in this Commonwealth, together with the amount of their respective pensions, to the first day of *January, 1785*.

LXX.

Resolve on the memorial of *John Deming*, and others, a committee for methodizing accounts, relative to a settlement with *William Inlay*, Esq; elected by Congress to receive and allow the claims of this Commonwealth against the United States; and empowering the Governor and Council in this case, &c. *February 22, 1785.*

Whereas it is represented to this Court by the committee appointed to exhibit the claims of this Commonwealth against the United States, that differences in opinion have arisen between them and *William Inlay*, Esq; commissioner, appointed by Congress to receive and allow the same, on the propriety of certain charges made by this Commonwealth against the United States:

Resolved, That where any such disagreement has already arisen, or may hereafter take place, the committee aforesaid be, and they hereby are directed to represent the same, with their opinion thereon, to the Governor, who, with the advice of Council, is hereby empowered to consider of such representations; and in all instances in which it shall appear to the Governor and Council that any article or articles with respect to which such disagreement exists ought to be allowed to this Commonwealth, that thereupon the Governor be, and he hereby is requested to represent the same to the delegates representing the Commonwealth in Congress, and instruct them to use their influence that the commissioner aforesaid be directed to allow the same.

It is further resolved, That the committee aforesaid shall, and they are hereby directed to keep a separate account of all charges by them exhibited to the

said commissioner, and not allowed by him, and lay the same from time to time before the General Court for their consideration thereon.

LXXI.

Resolve on the petition of *Oliver Witt*, discharging him of four hundred pounds, recovered against him, and that execution be done for the remainder. February 22, 1785.

On the petition of *Oliver Witt*, praying relief from a judgment in favor of the Commonwealth against him.

Resolved, That four hundred pounds of the debt recovered against the said *Oliver* be, and hereby is discharged, and that execution be done for the remainder of the said judgment, with incidental charges, in due form of law.

LXXII.

Resolve empowering *John Baker* and *John Choate*, Esq's. to take the complaint of *William Prescott*, a prisoner for debt in *Ipswich* goal; and to administer an oath prescribed in an act for the relief of poor prisoners for debt; and to cause the creditor to be notified. February 23, 1785.

Whereas *William Prescott* is now a prisoner for debt on damages in the common goal in *Ipswich*, in the county of *Essex*, at the suit of *Mary Conner*, and he having complained that he hath not estate sufficient to support himself in prison, the keeper of the said prison hath thereupon made application to *Stephen Choate* and *John Baker*, Esq's. two Justices of the Peace within the said county, *quorum unus*, who have appointed Friday, the twenty-fifth day of *February* current, to take the said complaint into consideration, and, if proper so to do, to administer to the said *William*, the oath prescribed in and by a law of this Commonwealth, entitled, "An act for the relief of poor prisoners for debt," and caused the said creditor, her agent or attorney, to be notified thereof; and it being made to appear to this Court, that the said *Stephen Choate*, Esq; cannot attend at the time appointed for the purpose aforesaid, and that the said *William* is in such a state of health, that his life will be endangered if he should be continued in prison until a new process should be commenced and prosecuted for the purpose of entitling him to the benefits of the law aforesaid:

It is therefore Resolved, That the said *John Baker* and *John Choate*, Esq's. another Justice of the Peace in the said county, (they neither of them being of the quorum) be, and they hereby are empowered fully to hear and determine on the subject of the complaint aforesaid, to administer to the said *William* (if they think proper so to do) the oath aforesaid, and in all things to conduct themselves as two Justices of the Peace within the said county of *Essex*, *quorum unus*, might or could conduct upon the complaint and notification aforesaid; and the doings of the said *John Baker* and *John Choate*, in the premises, shall have the same effects to all intents and purposes whatsoever, as if the same had been transacted by two Justices of the Peace for the same county, *quorum unus*, any law to the contrary thereof notwithstanding.

LXXIII.

Resolve on the petition of *Joseph Ruggles*, granting him two hundred eighteen pounds sixteen shillings and eight pence, for supplies to Capt. *Amos Lincoln's* company of State troops. February 23, 1785.

On the petition of *Joseph Ruggles*, praying for allowance for supplying Capt. *Lincoln's* company of State troops:

Whereas

Whereas it appears to this Court, that *Joseph Ruggles* supplied the company of State artillery, under the command of Capt. *Lincoln*, from the first day of *May*, 1783, to the 20th of *August* in the same year inclusive, amounting, in the whole, agreeable to the contract price given by the continent, to two hundred eighteen pounds sixteen shillings and eight pence, for which supplies he has produced sufficient vouchers :

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to *Joseph Ruggles*, two hundred eighteen pounds sixteen shillings and eight-pence, in full satisfaction for the said supplies.

LXXIV.

Resolve on the petition of *J. Hubbard*, in behalf of *Kittery*, in the county of *York*, requiring *John Swett*, Esq; to return all executions issued by Treasurer *Foye* to *Joseph Plaisted*, Esq; then Sheriff, to the Treasurer of this Commonwealth. February 23, 1785.

Whereas *William Foye*, Esq; deceased, formerly Treasurer of the Province of *Massachusetts-Bay*, issued executions against divers constables in the several towns in the county of *York*, for the balances due to Government from them respectively, which executions were delivered to *Joseph Plaisted*, Esq; then Sheriff of the said county, but since deceased : And whereas it is represented, that the said Sheriff in his life time never completed the collection of the several sums due on the said executions, which after his decease fell into the hands of his administrators, *Joseph Plaisted* and *Paul Norvel*, and after their decease fell into the hands of *John Swett*, of *York*, in the said county, Esq; as administrator *de bonis non*, in whose possession they now remain. And whereas it is further represented, that the administrators aforesaid received divers sums in part-payment of the said executions, besides those received by the Sheriff in his life time, which sums are endorsed on the said executions : Therefore, to the intent that justice may be done to the several towns and constables concerned, as well as with regard to the estate of the Sheriff, deceased :

Resolved, That the said *John Swett*, Esq; in his said capacity, be, and he is hereby directed and required to return into the office of the Treasurer of this Commonwealth, all the executions aforesaid, on or before the first Wednesday in *June* next, and certify the same on oath : And the Treasurer is directed to receive the said executions and give a certificate thereof to the said *John*, specifying the several indorsements on each execution.

And it is also *Resolved*, That all further proceedings against the said towns and constables respecting the said executions and sums due, be staid in the mean time, and that the Secretary of this Commonwealth be, and he hereby is directed forthwith to furnish the said *John* with an attested copy of this resolve.

LXXV.

Resolve allowing *Luke Aldridge* a pension of one eighth part pay as soldier, from 1779, till further order. February 23, 1785.

On the representation of Mr. *John Lucas*, commissary of pensioners, in behalf of *Luke Aldridge*, a soldier in Col. *Marshall's* regiment, who lost the sight of his right eye, while in the service of the United States, and is thereby rendered incapable of performing much labour :

Resolved, That the said *Luke Aldridge* be allowed a pension of one eighth part of his pay as a soldier, from the seventh day of *December*, 1779, until the further order of the General Court or Congress.

Resolve on the petition of *Jonathan Tenny*, of *Salem*, allowing *Joshua Sawyer* and *Ruth* his wife, and *Nathaniel Walker* and his wife; to enter their appeal at the Supreme Judicial Court, to be holden at *Ipswich* in *June* next. *February 23, 1785.*

Upon the petition of *Jonathan Tenny*, of *Salem*, in the county of *Rockingham*, and State of *New-Hampshire*, tanner, and *Mabetable* his wife:
Resolved, That *Joshua Sawyer*, husbandman, and *Ruth*, his wife, and *Nathaniel Walker*, husbandman, and *Hannah*, his wife, all of *Haverhill*, in the county of *Essex*, may, if they see cause, enter at the Supreme Judicial Court, next to be holden at *Ipswich*, within and for the said county of *Essex*, on the third Tuesday of *June* next, their appeal from a judgment rendered at a Court of Common Pleas holden at *Ipswich*, within and for the said county of *Essex*, on the first Tuesday of *April* last past, in an action of ejectment commenced against them by the said *Jonathan Tenny* and his wife; and, if the said appeal be not then entered, the said *Jonathan* and *Mebetable* may at the same term enter their complaint and pray affirmation of that judgment; with additional costs, provided the said *Jonathan* cause the said *Joshua* and *Nathaniel* to be served with a true copy of this resolve, fourteen days at the least before the third Tuesday of *June* next. And in case either the said appeal or complaint be entered as aforesaid, the same proceedings shall be had thereon to final judgment and execution, as if the same had been regularly entered at the term to which the said appeal was made.

LXXVII.

Resolve on the petition of the inhabitants of the town of *Belfast*, authorizing *Jonathan Buck*, Esq; to issue his warrant for the purposes mentioned. *February 24th, 1785.*

Whereas it appears to this Court, that from the events of the late war the inhabitants of the town of *Belfast*, in the county of *Lincoln*, were obliged to abandon their dwellings, and for a number of years seek refuge in the western parts of this Commonwealth, and by that means have been deprived of the legal method of calling town-meetings for transacting the public business of the same town: Therefore

Resolved, That *Jonathan Buck*, Esq; be, and he is hereby authorized and empowered to issue his warrant to some principal inhabitant of the said town, requiring him to call a meeting of the said inhabitants, in order to their choosing such officers as by law towns in the said Commonwealth are empowered to chuse in the month of *March* annually; which officers so chosen shall respectively hold and exercise their offices until *March* meeting, *one thousand seven hundred and eighty-six*, or until others may be chosen in their stead, as by law directed.

LXXVIII.

Resolve on the petition of *Joseph Lewis*, of *Barnstable*, empowering the Register of Deeds, with the consent of the guardians to all the heirs of *Joseph Lambert*, deceased, to deliver to the said *Joseph Lewis* the deed mentioned. *February 25, 1785.*

Whereas it appears to this Court by the petition of *Joseph Lewis*, of *Barnstable*, and papers accompanying the same, that on the 26th day of *May*, A. D. 1783,

1783, the said petitioner, for the consideration of *one hundred and fifty pounds*, promised him by *Joseph Lambert*, of the said *Barnstable*, did make and execute one deed of conveyance to the said *Joseph Lambert*, of all his real estate, and hath received only *three pounds seventeen shillings and eight pence*, in part of the consideration, and never did receive any security for the remainder, by reason of the sudden death of the said *Lambert*, which hath reduced the said petitioner to circumstances very distressing, the said deed being lodged in the Register's office, in the county of *Barnstable*, but not recorded :

Resolved, That the Register of Deeds for the county of *Barnstable* be, and hereby is empowered, by and with the consent of the guardians to all the heirs at law of *Joseph Lambert*, late of *Barnstable*, deceased, to deliver to *Joseph Lewis* the deed above mentioned, he the said *Joseph Lewis* first paying to the said guardians for the use of the said heirs, the above sum of *three pounds seventeen shillings and eight pence*, any law to the contrary notwithstanding.

LXXIX.

Resolve on the petition of *Seth Bullard*, in behalf of the town of *Walpole*, abating a fine laid upon said town. *February 25, 1785.*

On the petition of *Seth Bullard*, in behalf of the town of *Walpole*, praying abatement of a fine laid on the said town for not sending a representative to the General Court in the year 1782 :

Resolved, That the prayer of the said petition be granted, and that the Treasurer be, and he is hereby directed to credit the said town of *Walpole* the sum of *twenty-eight pounds*, in the tax granted by the General Court in *March, 1783.*

LXXX.

Resolve on the petition of *Phillips White*, empowering him to claim an appeal from a decree granting administration to *William White*, made by the Judge of Probate for *Suffolk* county, in 1782, and authorizing the said Judge to receive said claim, &c. *February 25, 1785.*

On the petition of *Phillips White*, Esq;

Resolved, That for the reasons set forth in the said petition, the said *Phillips White*, be, and he is hereby empowered to claim an appeal from a decree, dated the 17th day of *December*, A. D. 1782, made by the Judge of Probate for the county of *Suffolk*, granting to *William White*, of *Boston*, in the same county, merchant, administration on the estate of *William White*, late of the said *Boston*, Esq; deceased, with the will of the said *William* annexed, to file the reasons of such appeal, and give bonds to the acceptance of the said Judge for prosecuting the same to effect ; provided the same appeal be claimed, the reasons filed, and bond given within one month from the passing this resolve : And the said Judge of Probate is hereby authorized and empowered to receive such claim of appeal, the reasons thereof, and take bonds accordingly, as tho' the time limited by law for claiming the said appeal, filing the reasons thereof, and giving bonds to prosecute the same, had not elapsed. And the said *Phillips White* is hereby further empowered to enter the said appeal in the Supreme Court of Probate for this Commonwealth, and file the copies of his case, provided the same be done within two months from the time of passing this resolve : And after giving such notice to the said *William White*, as the said Supreme Court shall order, to proceed to trial on the merits of his cause, as tho' the appeal from the decree aforesaid, had been claimed from the Judge aforesaid, and the same entered in the said Supreme Court of Probate, and the copies of his

case regularly filed in due season of law, and the said Supreme Court of Probate is hereby authorized and empowered to receive such appeal, and after ordering such notice to be given to the said *William White*, as they shall judge fit, to hear and determine the same, on the merits thereof, in as full and ample a manner as tho' the same had been claimed from the Judge, the reasons filed, and bonds given, and the same appeal had been regularly entered, and the copies filed in the Supreme Court of Probate within the time limited by law.

LXXXI.

A resolve granting *three thousand pounds* to the committee for passing accounts. February 25, 1785.

Resolved, That there be paid out of the public treasury of this Commonwealth to the committee on accounts, *three thousand pounds*, to enable them to pay such accounts as have been or may be by them examined and allowed, the said committee to be accountable for the expenditure of the same.

LXXXII.

Resolve on the petition of *Ebenezer Willis*, and others, selectmen of the town of *Dartmouth*, empowering said town to choose collectors. February 28, 1785.

On the petition of *Ebenezer Willis*, *Stephen Pokham* and *Jabez Parker*, selectmen of the town of *Dartmouth*, setting forth, that by mistake of the selectmen of the said town, a suitable number of collectors were not chosen at the last *March* meeting to collect the taxes for the current year :

Resolved, That the town of *Dartmouth* be authorized and empowered at their annual meeting in *March* next, to choose, beside the collectors for the year ensuing, such collectors as ought to have been chosen at their annual meeting in *March* last, to whom shall be committed such taxes as should have been committed to them for the year last past ; and such collectors so chosen are hereby required and empowered to collect the same, and make due payment thereof according to law.

LXXXIII.

Resolve on the petition of *Elijah Adams*, empowering any three Justices in any county within this Commonwealth to swear the person mentioned. February 28, 1785.

On the petition of *Elijah Adams*, praying that some Justice of the Peace might be empowered to take the acknowledgment of certain deeds in said petition mentioned, for reasons there fully set forth :

Resolved, That any three Justices of the Peace for and within any county in this Commonwealth (*quorum unus*) be, and hereby are empowered to swear *Sophia March* as a witness to the deeds therein referred to, and that the same shall operate to the acknowledgment of said deeds, as justly as if the said *Sophia* had been sworn in any Court of record in this Commonwealth ; any law, usage or custom to the contrary notwithstanding.

LXXXIV.

Resolve on the petition of *Winslow Brigham*, in behalf of the town of *Marlborough*, empowering said town to choose a collector. February 28, 1785.

On

On the petition of *Winslow Brigham*, in behalf of the town of *Marlborough*, representing that *Silas Barns* was appointed a collector for the said town, for the years 1781 and 1782, that the said *Barns* had conducted in such a manner as to induce the assessors of the said town to demand and receive from him the several assessments committed unto him to collect; and praying they may be empowered to choose some suitable persons to collect such part of the said assessments as still remain uncollected :

Resolved, That the prayer of the said petition be granted, and that the said town of *Marlborough* be, and they are hereby empowered, at any legal town meeting, to choose and appoint some suitable person as a collector for the said town, to finish the said collections; and the person who shall be chosen in manner aforesaid shall be, and is hereby invested with full power and authority to collect all such sum or sums of money as may be still due on the assessment delivered to the said *Silas Barns* to collect, in as full and ample a manner as though he had been chosen in either of the years in which the said *Barns* was elected; and the Treasurer of this Commonwealth, the county and town Treasurers, and the assessors of the said town of *Marlborough*, are hereby directed to govern themselves accordingly.

LXXXV.

Resolve directing the Treasurer to discharge the town of *Berkley*, in the county of *Bristol*, from the payment of money due from *Nathaniel Phillips*. February 28, 1785.

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed to discharge the town of *Berkley*, in the county of *Bristol*, from the payment of *three pounds one shilling and nine-pence three farthings*, which sum appears by the Treasurer's books to be due from *Nathaniel Phillips*, constable of the said town of *Berkley*, in the year 1741; but it appears by receipts from Treasurer *Foye* and sheriff *Church*, that the full sum which was committed to the said *Phillips* to collect was paid.

LXXXVI.

Resolve on the petition of the Selectmen of the town of *Chesterfield*, abating a tax laid on said town, and placing the same to the town of *Goshen*. February 28, 1785.

On the petition of the Selectmen of the town of *Chesterfield*, praying that so much of the State-tax, No. 4, as relates to that part of *Goshen* formerly set off from *Chesterfield*, might be taken off from the said town of *Chesterfield* :

Resolved, That the sum of *sixty-eight pounds nineteen shillings and seven pence*, being one fourth part of the tax set to the town of *Chesterfield*, be abated, and the same sum placed to the town of *Goshen*; and the Treasurer of this Commonwealth is directed to issue his warrant accordingly.

LXXXVII.

Resolve on the petition of *Jonas Gleason*, in behalf of the inhabitants of the plantation called *Myrifield*, remitting a tax laid on said town. February 28, 1785.

On the petition of *Jonas Gleason*, in behalf of the inhabitants of the plantation called *Myrifield*, praying for abatement of taxes, and representing that they

they were charged the sum of *thirty-one pounds ten shillings*, for a representative's pay, through mistake, &c.

Resolved, That the sum of *thirty-one pounds ten shillings*, be, and hereby is remitted to the said inhabitants of the plantation called *Myrifiel*, in State-tax No. 4, being the sum charged them for the representative's pay in the said tax through a mistake; and that the Treasurer of this Commonwealth be, and he hereby is directed to discharge the inhabitants of *Myrifiel* the said *thirty-one pounds ten shillings*, and charge the same sum to the inhabitants of *Murrayfiel*, now called *Chester*, to whose representative the said sum was paid.

LXXXVIII.

Resolve on the petition of *John Adams*, discharging him from goal. *February 28, 1785.*

Whereas it appears to this Court by the representation of *John Adams*, of *Lenox*, in the county of *Berkshire*, that in the last year he sold a quantity of rum, and neglected to account with the collector of excise in the said county for the duties thereon, for which neglect the said collector commenced an action, and recovered judgment against the said *John Adams*, for the sum of *fifty pounds*; and execution hath been sued out on the said judgment, and the body of the said *Adams* taken and committed to goal on the same, where he still remains; he therefore prays, that on his praying the duties due to the government and payment of the costs which have arisen, he may be discharged from goal:

Resolved, That the said *John Adams* be discharged from goal, he first accounting with the collector of excise for the said county of *Berkshire*, for the said rum so sold as aforesaid, in the same manner as other licenced persons are obliged by law to account with collectors of excise, and pay the duties thereon to the said collector, together with all costs which have arisen in prosecuting the said action against him; any law or resolve to the contrary notwithstanding.

LXXXIX.

Resolve on the petition of *Ebenezer Strong*, in behalf of himself and company of militia, granting him *twenty-nine pounds three shillings and four pence*, for the use of himself and company. *March 1, 1785.*

On the petition of *Ebenezer Strong*, in behalf of himself and company of militia, praying an allowance for milage:

Resolved, That the prayer of the petition be granted, and that there be paid out of the treasury of this Commonwealth to the said *Ebenezer Strong*, for the use of the said company, consisting of seventy men, officers included, one penny per mile, for each man's travel from *Northampton* to *Saratoga*, being one hundred miles, amounting in the whole to *twenty-nine pounds three shillings and four pence*.

XC.

Resolve continuing the time for receiving duplicate receipts of beef to the last day of *May* next. *March 2, 1785.*

Whereas it is represented to this Court, that duplicate receipts of beef in several towns, either by being mislaid or want of sufficient attention in those by whom they were sent, have not been received by the Secretary, by which means such towns may be greatly injured: Therefore,

Resolved,

Resolved, That the time for receiving duplicate receipts of beef be, and hereby is further continued till the last day of *May* next; and the Secretary is authorized to receive duplicate receipts of beef in order for examination by the Governor and Council, any time before the last day of *May*; *provided*, that if any expence has arisen by such omission, it shall be borne by the delinquent town.

XCI.

Resolve on the petition of *Robert Smith*, granting him two hundred and sixty-four acres of land, and directing the committee to execute a deed thereof. *March 3, 1785.*

On the petition of *Robert Smith*, praying for a compensation in the unappropriated lands of this Commonwealth, for a right of land in the township called *Soubegon-east*, or *Narraganset*, No. 5, whereof he was deprived by the running the boundary line between this State and the State of *New-Hampshire*, about the year 1740:

Resolved, That there be granted, and there is hereby granted to the said *Smith*, his heirs and assigns, a lot of land containing two hundred and sixty-four acres, marked No. 21, in the survey and plan of Mr. *Barnabas Dodge*, who, *A. D.* 1784, surveyed the lands on the east side of *Penobscot* river, between the twelve townships, (so called) and the head of the tide on the said river, in full compensation for the said right; upon condition however that the said *Smith*, his heirs or assigns, shall, within four years from this date, settle on the said lot, or cause some honest and diligent husbandman to settle thereon, to build a framed house within six years from this date, and clear four acres annually for six years next after the expiration of the said four years.

And it is further resolved, That the committee appointed by a resolve of the General Court of the 28th of *October, 1783*, on the subject of the public lands in the county of *Lincoln*, be a committee on behalf of this Commonwealth to execute a deed of the said lot to the said *Smith* accordingly, with warranty.

XCII.

Resolve on the petition of *Solomon Prentice*, praying for a hearing of a certain case, and staying judgment, &c. *March 3, 1785.*

On the petition of *Solomon Prentice*, praying for a hearing of the case, *John Campbell* plaintiff, vs. the said *Solomon Prentice* defendant:

Ordered, That the petitioner serve the plaintiff, or *Edward Bangs*, Esq; his attorney, fourteen days before the second Wednesday of the next sitting of the General Court, of the said petition and this order, and notify him that he appear on the second Wednesday aforesaid, to shew cause (if any he has) why the prayer of the petition shall not be granted; and that in the mean time all further process on the judgment and execution mentioned in the said petition be stayed.

XCIII.

Resolve on the petition of *Paul Dudley Sargent*, empowering the Judge of Probate for the county of *Essex*, to direct the commissioners on *William Brown's* estate to meet again. *March 3, 1785.*

Whereas it appears to this Court, that many of the debts due from *William Brown*, late of *Salem*, an absentee, owing to the creditors residing in other States

States, and to various other causes, were not laid before the commissioners on the said absentee's estate, nor reported to the Judge of Probate: Therefore

Resolved, That the Hon. B. Greenleaf, Esq; Judge of Probate, &c. for the county of *Essex*, be, and he hereby is authorized and empowered, to direct the commissioners on the said estate to meet again, for such a length of time as the said Judge may think proper, to hear and liquidate the claims of all such creditors on the said estate as have not hitherto been delivered in, at the expence of the said creditors, and to proceed in all respects touching the same, as to law and right appertains.

XLIV.

Resolve on the petition of *Paul Dudley Sargent*, allowing him to make up a pay-roll for services in 1775. *March 4, 1785.*

On the petition of *Paul Dudley Sargent*, praying for wages due to him and the field and staff officers of the regiment he commanded in the year 1775:

Resolved, That the said *Paul Dudley Sargent* make up the pay-roll of the field and staff officers of his regiment for the year 1775, while in the pay of this then State, and lay the same before the Governor and Council for allowance and payment, according to the wages established for those services when the same were performed.

XCV.

Resolve granting to *John Avery, jun. Esq;* Secretary, two hundred and seven pounds fifteen shillings. *March 4, 1785.*

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to *John Avery, Esq;* Secretary, the sum of two hundred and seven pounds fifteen shillings, in full for his services from *January, 1784*, to the first day of *January, 1785*, over and above one hundred and forty-two pounds five shillings, which he has received in his office during that term.

XCVI.

Resolve on the petition of *Josiah Leavitt, Thomas Brown* and *Benjamin Richards*, on a committee from the town of *Sterling*, empowering the assessors of the town of *Lancaster*, in the case mentioned. *March 4, 1785.*

Whereas it appears that those of the inhabitants of the town of *Shrewsbury*, together with their estates, who by an act of the General Court passed *February 26, 1781*, were set off from the town of *Lancaster*, and annexed to the said town of *Shrewsbury*, have never been assessed their proportion of the several requisitions of money, beef, cloathing and soldiers, for the year 1781:

Therefore *Resolved*, That the assessors of the town of *Lancaster* for the year 1781, being first sworn before some Justice of the Peace for the county of *Worcester*, for the faithful performance of the trust reposed in them by this resolve, be, and they hereby are authorized and directed to assess those inhabitants of the town of *Shrewsbury* aforesaid, so set off, with their estates, their due proportion of the several requisitions aforesaid, which were apportioned on the town of *Lancaster*, by the several acts of the General Court for that purpose, according to the list of polls and estates by which the said inhabitants were assessed in the last tax assessed on them by the assessors of *Lancaster*, and the same assessments so made to commit to the Sheriff of the county of *Worcester*, who is hereby authorized and directed to collect the same, and the proceeds

ceeds thereof to pay into the treasury of this Commonwealth, by the first day of *November* next; and the said Sheriff is hereby empowered to use and exercise all the powers and proceedings which collectors are by law authorized to in the collecting of taxes, and to deputize either of the said inhabitants of *Sherborn*, aforesaid, giving him sufficient bonds to do and perform whatsoever the said Sheriff is hereby authorized to: And the assessors of *Lancaster* aforesaid are hereby directed to perfect said assessment and commit the same to the Sheriff as aforesaid, before the first day of *April*, next, and return a fair copy of said assessment to the Treasurer of this Commonwealth, by the said first day of *April*, who is hereby directed to stay his execution for the amount thereof, against the town of *Sterling*, upon their deficiencies for the year 1781, until the further order of the General Court.

XCVII.

Resolve on the petition of the selectmen of the town of *Grafton*, directing the Treasurer to give a receipt to said town, for *twenty-nine pounds*, being for a fine for not sending a Representative. *March 4, 1785.*

On the petition of the selectmen of the town of *Grafton*, praying for the abatement of the fine laid on the inhabitants of the said town for not sending a Representative in the year 1782, for reasons set forth in the said petition:

Resolved, That the prayer of the said petition be granted, and that the Treasurer of this Commonwealth be, and he hereby is empowered and directed to receipt the town of *Grafton*, in tax No. 3, granted in the year 1782, the sum of *twenty-nine pounds*, in full of the said fine.

XCVIII.

Resolve on the petition of *George Williams*, agent for the ship *Black Prince*, lost at *Penobscot*, directing the Treasurer to issue a note payable to said *Williams*, and giving him liberty to receive a note given by *Col. Larkin Thornbidge*. *March 4, 1785.*

On the petition of *George Williams*, agent for the ship *Black Prince*, lost at *Penobscot*, setting forth, that the sum of *twenty-six thousand two hundred and seventy-eight pounds, sixteen shillings and two pence*, equal to *seventeen hundred and seventy-nine pounds* specie, was due from this Commonwealth, to the said *George Williams, Larkin Thornbidge* and *Samuel Ward*, being their shares of the said ship *Black Prince*, from the 26th day of *July*, A. D. 1779, and praying payment thereof:

Resolved, That the prayer of the petition of the said *George Williams*, agent as aforesaid, be so far granted, that the Treasurer of this Commonwealth be, and he hereby is ordered and directed to issue a note or notes in behalf of this Commonwealth, payable to the said *George Williams*, or order, for the said sum of *seventeen hundred and seventy-nine pounds*, specie, bearing date the 6th day of *July*, A. D. 1779, the said note or notes to be on interest from that time, and payable at the same time as notes heretofore issued to other persons sustaining similar losses at *Penobscot* have been ordered to be paid; and he the said *George Williams*, agent as aforesaid, upon payment of the said sum as aforesaid, to discharge the charter party made by the Board of War in behalf of the said Commonwealth, with the said *George Williams*, agent as aforesaid, in full.

Provided nevertheless, and it is further Resolved, That the said *George Williams*, agent as aforesaid, shall be at liberty to receive of the Treasurer aforesaid, a

note of hand, given by the said *Thorndike* to this Commonwealth, in pay of said sum of *seventeen hundred and seventy-nine pounds*, so far as the same will go, and to receive of the said Treasurer his note or notes, as aforesaid, for the remaining sum, to make up the said sum of *seventeen hundred and seventy-nine pounds*.

XCIX.

Resolve on the petition of *Hiram Newball*, in behalf of the town of *Athol*, directing the collectors in said town to proceed in collecting taxes. March 5, 1785.

On the petition of *Hiram Newball*, in behalf of the town of *Athol*, respecting the collection of taxes in the said town :

Resolved, That the collectors in the town of *Athol*, proceed in collecting the taxes assessed on such of the inhabitants of the district of *Orange* as before the incorporation of the said district were inhabitants of the said town of *Athol*, and which taxes were granted previous to that time, in every respect, as tho' the said persons had not been set off from the said town of *Athol*, any law to the contrary notwithstanding (excepting the money granted by the said town of *Athol*, on the 15th day of *October*, 1783) and that the said town of *Athol*, on the second Wednesday of the next session of the General Court, lay before this Court the evidence of the said town's owing the money granted the said 15th day of *October*, and serve one of the principal inhabitants of the said *Orange* (who were set off from *Athol*) with a copy of the said petition and this resolve, by leaving a copy thereof at his usual place of abode, in said *Orange*, at least twenty days before the said second Wednesday of the next session of the General Court, that so they may (if they see cause) appear and shew cause (if any they have) why the tax granted on the 15th of *October* aforesaid, should not be collected in manner as in this resolve is first provided.

C.

Resolve abating the taxes assessed on the towns of *Barnstable*, *Eastham*, *Harwich*, *Yarmouth*, *Sandwich* and *Falmouth*, in the county of *Barnstable*. March 5, 1785.

Whereas by representations of the impoverished and distressed circumstances of the towns of *Barnstable*, *Eastham*, *Harwich*, *Yarmouth*, *Sandwich* and *Falmouth*, all in the county of *Barnstable*, it appears to this Court, that the inhabitants of the said towns are utterly unable to pay the several taxes now assessed on them :

Resolved, That there be, and hereby are abated of the taxes now due from the several towns above-mentioned, assessed on them before the tax of *July*, 1784, the sums hereafter mentioned, which abatements are to be in full of every allowance to be made to the said towns, on account of any assessments or taxes made before that of *July*, 1784—To the town of *Barnstable*, *one thousand one hundred and twenty-seven pounds five shillings and one penny*; to the town of *Eastham*, *nine hundred and three pounds fifteen shillings and four pence*; to the town of *Harwich*, *eight hundred and seventy-two pounds fifteen shillings and ten pence*; to the town of *Yarmouth*, *two thousand four hundred and thirty-two pounds three shillings*; to the town of *Sandwich*, *eight hundred sixteen pounds eleven shillings and three pence*; to the town of *Falmouth*, *nine hundred ninety-three pounds fifteen shillings and ten pence*.

Resolved, That the Treasurer be, and he hereby is directed to credit the said towns with the said sums accordingly.

Resolved,

Resolved, That the assessors of the several towns aforementioned be, and they hereby are impowered to collect from such persons as they may think able to pay, their just proportions of the several sums by these resolves abated to the said towns, and to apply the monies so collected to such use or uses as may be ordered by their several towns.

CI.

An allowance of *three hundred pounds* to the agents for prosecuting the claims of this Commonwealth to lands west of *Hudson's-River.* *March 7, 1785.*

Ordered, That the sum of *three hundred pounds* be allowed and paid to each of the said agents, (over and above their expences while absent) as a compensation for their services in prosecuting the business aforesaid to effect.

CII.

Resolve on the petition of *Matthew Newhall*, of *Lynnfield*, empowering the selectmen to assess on the several persons (belonging to a class for procuring men) such sums as mentioned. *March 7, 1785.*

On the petition of *Matthew Newhall*, of *Lynnfield*, praying that the selectmen of the said district may be empowered to assess on the several persons belonging to the class for procuring men to serve in the Continental army; agreeable to a resolve of the General Court of the seventh of *March, A. D. 1782*, whereof the said *Newhall* was the head, the monies advanced and paid by him for procuring a man for said class to serve as aforesaid :

Resolved, That the selectmen of *Lynnfield* aforesaid, for the time being, be, and they are hereby impowered and directed to apportion and assess on the polls and estates of the several persons classed in the said class, so much, or such sums of money as it shall appear to them the said *Newhall* paid for the said man for the purpose aforesaid, in the same manner that the selectmen of the said district might and should have done, had it been set off from the town of *Lynn* before the resolve respecting the procuring the said men had been made, and the said selectmen had then at the passing of the said resolve been in office; and the same to commit to a collector of the said district of the present or ensuing year to collect, in the form prescribed by the said resolve.

CIII.

Resolve for dividing the county of *Lincoln* into two districts, for collecting excise duties. *March 7, 1785.*

Whereas there is a great extent of sea-coast in the county of *Lincoln*, and it appears probable that more monies would come into the treasury of this Commonwealth from the duties of impost and excise, in a collection thereof, by having two collectors in said county, than by the present mode by one collector only :

Resolved, That the said county of *Lincoln*, (so far only as the collection of the duties of impost and excise is concerned) from and after the passing of this resolve be, and hereby is declared to be divided into two districts, viz. an eastern and a western district, and that the river of *Penobscot* be the division of the said districts; and that all the towns and settlements eastward of the said *Penobscot-River* be, and hereby are declared to be the eastern district; and that the towns and all the other settlements to the westward of the said *Penobscot-River*,

River, be, and hereby are declared to be the western district; and that there be annually chosen and appointed a suitable person as a collector of the duties of impost and excise for each of the said districts, agreeable to the laws of this Commonwealth for the choice and appointment of collectors of the duties of impost and excise for the several counties within the same; and that each of the said collectors for the said districts in the said county of *Lincoln*, from and after the passing of this resolve, shall be subject in all things to similar obligations, and vested with similar powers and privileges in his said office of a collector, to those of the several collectors of the duties of impost and excise chosen and appointed to, and in the several counties of this Commonwealth.

CIV.

Resolve on the petition of *William Swan*, in behalf of *Hannah Marsh*, empowering the Judges of the Supreme Judicial Court to correct a mistake. *March 7, 1785.*

On the petition of *William Swan*, clerk of the Court of Common Pleas of the county of *Middlesex*, praying that he may be allowed to correct a mistake made by him in making up the judgment upon a certain bond in the same petition mentioned:

Resolved, That the Judges of the Supreme Judicial Court, at the term of the said Court now holden at *Boston*, within and for the county of *Suffolk*, be, and they hereby are directed and empowered to correct a mistake in the judgment of the Court of Common Pleas, held at *Cambridge*, within and for the county of *Middlesex*, on the last Tuesday in *November*, one thousand seven hundred and eighty-three, wherein *Hannah Marsh* of the said *Cambridge*, widow, was plaintiff, and *William Langly*, *John Langly* and *Jonas Langly*, were defendants and appellants to the Supreme Judicial Court; and to issue execution for any sum that may by them be found to be justly due, with reasonable costs.

CV.

Resolve on the petition of *Joseph Ward*, directing the committee for settling with the army, to settle with him for his year's pay. *March 7, 1785.*

On the petition of *Joseph Ward* Esq; late an officer in the mustering department within this State, praying for a year's advance pay:

Resolved, That the committee for settling with the army be, and hereby are directed to settle with the said *Joseph Ward* for his year's pay, agreeable to a resolve of Congress of the twelfth of *October, 1781.*

CVI.

Resolve directing the Treasurer to abate the town of *Leominster*, a tax laid on said town for the pay of a representative, over their proportion. *March 8, 1785.*

Whereas it appears to this Court, that in the last tax-act the town of *Leominster*, was taxed six pounds thirteen shillings, for the pay of a representative, more than the representative's pay amounted to: Therefore,

Resolved, That the Treasurer of this Commonwealth be directed, and he is hereby directed to credit the town of *Leominster* the aforesaid sum of six pounds thirteen shillings, in the last tax laid on the said town, *July 9, 1784.*

Resolve

CVII.

Resolve directing the Treasurer to continue consolidating public securities to
July next. March 8, 1785.

Resolved, That the Treasurer be, and he hereby is authorized and directed to continue the business of consolidating Government securities, until the first day of *July next*, and on the same terms as heretofore provided.

CVIII.

Resolve granting *Thomas Pier thirty six pounds*, for wages due to his son, who was wounded in the service of his country. *March 8, 1785.*

On the petition of *Thomas Pier*, praying for a continuance of the wages of his son, a minor, who was wounded and scalped in the service of his country;

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to the said *Thomas Pier*, the sum of *thirty pounds*, as a full compensation for the loss of his son's time from the twenty-third day of *October, 1780*, to the twenty-third day of *January, 1782*, being fifteen months, at *forty shillings per month*.

CIX.

Instructions to the Hon. *Elbridge Gerry, Esq;* and others, Delegates in Congress from this State. *March 8, 1785.*

To the Honorable *Elbridge Gerry, Samuel Holton, George Partridge, and Rufus King, Esqrs.*

THE United States of *America* having formed by the wisdom of their Councils, and established by their exertions, a federal union, which is no less necessary to the freedom of each, than important to the independence of all the States, every measure ought to be adopted and vigorously executed, which can have a tendency to perpetuate an institution, that reflects so much honor upon human nature, and so strongly points the world to the true political felicity of mankind; but whatever marks of wisdom and perfection appear upon the face of this system, it cannot be expected, that provision is made against every species of corruption, which ambition and avarice may attempt to introduce for the subversion of it; and therefore, in the early age of our national existence, the United States in Congress assembled, will doubtless form such resolutions, and establish such principles as will have a tendency to prevent designing men in future ages from sapping the foundation of our federal union.

The world cannot but admire, that prudence and wisdom which by providing for a rotation of Members in Congress fixed one important barrier against corruption; but the Legislature of this Commonwealth observe, with concern and regret, that no provision is made to prevent the Members of Congress from appointing themselves to offices, and it requires no very great share of sagacity to foresee, that unless this point is more effectually guarded, the offices of the federal Government may hereafter be filled with men who will not be the most capable of serving the people, or the most remarkable for their integrity: And that some persons forsaking the true interests of their country, will take corrupt measures to become Members of Congress, with a view to possess themselves of lucrative employments, whereby offices in themselves unnecessary

unnecessary, may be created and multiplied, and the injured fabrick of our federal Government be overthrown by the same means that have been employed in prostrating those ancient Republicks, which are seen no more but on the pages of history.

The Legislature of this Commonwealth, therefore instruct you, gentlemen, to endeavour to procure a resolution of Congress enacting, that no Member of Congress shall be appointed to any office, under the States, during the term for which he shall have been elected.

And that a uniformity of practice upon the Confederation may be observed, and that those republican principles, which call for a cessation of the tenure of offices, at certain fixed periods, may be attended to, the Legislature instruct you, to use your utmost endeavour to procure a resolution for the annual appointment of the Secretary of Congress, and that you zealously oppose the exercise of that office, by any person who shall not be annually appointed thereunto.

As it can never be for the interest of the States, to have the permanent residence of Congress in any great city, the Legislature of this Commonwealth instruct you to endeavour to have the buildings proposed by an ordinance of Congress of the twenty-third of *December* last, completed as soon as may be; that you exert yourselves to have them constructed with that economy and plainness, which is suitable to the state of a young republic, and with decency suited to the residence of a national Council.

The Legislature further instruct you, to urge Congress to proceed immediately to the important business of securing to the States the free navigation of the river *Mississippi*, and of establishing the eastern boundary of this Commonwealth according to the true intention of the treaty of peace, lately concluded with the King of *Great-Britain*.

The Legislature presume, that from the local situation of the United States, and the present state of their finances, they will not think it for their interest to have many foreign officers: Having just emerged from dependence on another power, and taken rank among the nations, it may be necessary to employ Ministers to form such treaties of amity and commerce as promise advantage to our rising Republic; but as soon as such treaties are concluded, they apprehend little can be expected from the residence of Ministers at foreign Courts; they do therefore further instruct you, gentlemen, to exert your influence in Congress, that Ministers, or other public officers, be not sent or continued in foreign countries, except on such occasions as the public good may absolutely require: And as the character of Republics in general, and the ability of this in particular, make it proper and necessary, that the strictest economy should be observed in all their affairs, we expect that you take care, as far as your influence can extend, that the salaries and allowance of our public officers abroad, and the arrangements and salaries of the departments at home, be so conducted as effectually to coincide with the principles herein expressed.

The Legislature observe, with regret and concern, that no measures have yet been adopted by Congress, for the redemption of the old continental money; and request you to exert your utmost endeavours for the accomplishment of an object, which so nearly affects the interest of the citizens of this State. They also instruct you to use your unwearied and unabated exertions, that Congress do allow and pass to the credit of this Commonwealth, the account of charges they were at, in consequence of their attempt to dislodge the British from their post at *Pemobscot*; and that the bounties paid by the several towns within this Commonwealth, to soldiers who served in the continental army, be also allowed by Congress.

The Legislature are informed, that Congress have entered, or are about entering into a convention with the Court of *France*, that any Consul appointed by that Court, to reside in any of the United States of *America*, shall have and exercise powers and privileges similar with those vested in Ambassadors; and being deeply impressed with the dangerous tendency of such a measure, do further instruct and direct you, gentlemen, in the most pointed manner, to oppose the ratification of any such agreement; and to take those measures which they shall judge most effectual to prevent the extension of the powers and privileges of Consuls beyond their usual limits.

CX.

Resolve empowering the collectors of impost and excise, to exercise the duties assigned them, until the 12th of *June, 1786.* *March 10, 1785.*

Whereas the businesses of the naval-officers and collectors of impost and excise, within this Commonwealth, have strict connections with each other: And whereas by laws now in force the said collectors are required to render to the Treasurer, on or before the first day of *June*, annually, fair and accurate accounts of all monies by them respectively received; and to settle and balance their several accounts under oath; which accounts the Treasurer is directed to lay before the General Court, on or before the tenth day of the same month: And whereas the annual choice of naval-officers, is in the month of *June*, and it may be more beneficial to the revenue of this Commonwealth, that the collectors of impost and excise should be chosen at the same time:

Resolved, That the collectors of impost and excise, which may be chosen at this session of the General Court, be, and they are hereby empowered to exercise the several duties assigned to the collectors of impost and excise, until the 12th day of *June, one thousand seven hundred and eighty-six*, and until others are chosen in their room; any law or resolve of this Commonwealth to the contrary notwithstanding.

CXI.

Resolve empowering *Samuel Phillips, jun. Nathaniel Wells, and Nathan Dane, Esq's*, to sell certain lands lying in the county of *Cumberland.* *March 10, 1785.*

Whereas there are fundry parcels of land belonging to this Commonwealth, and lying in the county of *Cumberland*, which have never been granted to any private persons, or appropriated to any public use, by retaining the property of which no considerable advantage will probably accrue to the Commonwealth: Therefore

Resolved, That *Samuel Phillips, jun. Nathaniel Wells, and Nathan Dane, Esq's*. be a committee with full power and authority to sell and convey all the lands of the aforesaid description, belonging to this Commonwealth, and lying in the county of *Cumberland*; and in behalf of this Commonwealth, to make and execute deeds thereof to the purchasers, to hold the same to them and their heirs, in fee-simple; and the said committee are hereby vested with all the powers and authorities, touching the lands abovementioned, which the same committee are vested with by divers resolves of the General Court with respect to the lands in the county of *Lincoln*, and to account as in the said resolve is directed.

CXII.

Resolve on the petition of *Joseph Buffam*, empowering the Justices of the Supreme Judicial Court to take cognizance of the judgment mentioned, at the next Court to be held at *Worcester*: March 11, 1785.

On the petition of *Joseph Buffam*, praying that the Supreme Judicial Court may have liberty to rectify a mistake in a judgment by them rendered, as is fully set forth in his petition:

Resolved, That the Justices of the Supreme Judicial Court, next to be holden at *Worcester*, within and for the county of *Worcester*, in *April* next, be, and hereby are authorized and empowered to take cognizance of the judgment in the said petition mentioned, and give judgment for such further sum as the same Court shall consider as justly due, and to issue execution for the same accordingly; he the said *Joseph Buffam* to notify the said *John Campbell*, named in the said petition, to appear at the said Court, to shew cause (if any he has) why judgment should not be rendered as prayed for, by causing an attested copy of the said petition, with this order of Court thereon; to be left at the last and usual place of abode of the said *Campbell*, in the said *Oxford*, fourteen days before the said sitting of the said Supreme Judicial Court at *Worcester*, in *April* next.

CXIII.

Resolve authorizing agents to prosecute the claims of this Commonwealth to lands west of *Hudson's-River*, to restrict the trial before the Court for that purpose constituted. March 11, 1785.

Resolved, That the agents appointed to prosecute the claims of this Commonwealth to certain lands described in the petition of the legislature of the said Commonwealth to Congress, dated *May 27, 1784*, be, and they hereby are authorized and empowered, (if they see fit) by mutual agreement between them and the agents on the part of *New-York*, to restrict the trial of the said claims before the Court constituted and appointed for that purpose, to such lands as lie westward of *Hudson's-River*.

CXIV.

Resolve intitling *James Warren, jun.* to half pay as a lieutenant of marines, from the time of his discharge, 1781. March 11, 1785.

On the representation of *John Lucas*, commissary of Continental pensioners, in behalf of *James Warren, jun.* lieutenant of marines. who lost one of his legs by a wound he received in an engagement on board the *Alliance* frigate:

Resolved, That the said *James Warren, jun.* be allowed one half his pay as lieutenant of marines, from the first day of *November, 1781*, being the time of his discharge.

CXV.

Resolve intitling *Wareham Warner* to one sixth part pay from 17th *September, 1783*, until further order. March 11, 1785.

On the representation of *John Lucas, Esq;* commissary of pensioners, in behalf of *Wareham Warner*, late a soldier in the second *Massachusetts* regiment, who was regularly discharged therefrom the seventeenth day of *September, 1783*,

1783, on account of a casual injury he received while in the service of his country, and is thereby disqualified for performing any kind of labor :

Resolved, That there be allowed and paid out of the public treasury unto the said *Wareham Warner*, or order, one sixth part pay of a foldier, from the said seventeenth day of *September, 1783*, until the further order of the General Court or the Congress of the United States.

CXVI.

Resolve approving the conduct of the commissioners for settling the line between this Commonwealth and State of *New-York*, eastward of *Hudson's-River*, and directing the delivery of papers accompanying to the agents for supporting the claims of this Commonwealth, &c. *March 11, 1785.*

Resolved, That this legislature do fully approve of the conduct of the commissioners appointed to settle the line between this Commonwealth and the State of *New-York*, eastward of *Hudson's-River*, in their endeavours to ascertain and run the said line conformable to the agreement made and executed at *Hartford*, in *May, A. D. 1773.*

And whereas the said commissioners have not been able to ascertain and run the said line in conjunction with commissioners appointed for that purpose by the State of *New-York*, and have therefore desisted from further prosecuting the said business :

Resolved, That the report of the said commissioners, with the papers accompanying the same, be delivered into the hands of agents for supporting the claims of this Commonwealth before a federal Court, to be holden on the first Tuesday of *June* next ; and the said agents are hereby authorized and empowered to make use of the papers aforesaid in such manner as they may think will promote the interest of this Commonwealth.

CXVII.

A grant of *seventy-eight pounds* to the delegates of this Commonwealth, to forward an express to the commissioners for determining the disputes between this State and *New-York.* *March 11, 1785.*

Whereas the delegates of this Commonwealth at Congress have drawn on the Treasurer of the State for *two hundred and sixty Mexican dollars*, to enable them to forward an express to the commissioners appointed for constituting in part a federal Court for determining the dispute between this State and *New-York* :

Resolved, That the Governor, with the advice of Council, be, and hereby is requested to issue his warrant for the aforesaid sum of *two hundred and sixty Mexican dollars* ; and the Treasurer is directed to discharge the same according to the tenor of the draft.

CXVIII.

Resolve on the petition of *David Mead*, allowing a new trial on a certain reference, and empowering the Court of Common Pleas to be held at *Concord*, and staying execution. *March 11, 1785.*

Whereas *David Mead* hath prayed for a new trial on a certain reference mentioned in his petition, for reasons therein set forth : And whereas the adverse parties have been notified agreeable to an order of the General Court, to shew cause (if any they had) why the prayer of the said petition should not be granted, but did not appear :

Resolved,

Resolved, That the said *David Mead*, and each of the parties mentioned in a rule of Court entered into at a Court of Common Pleas, holden at *Concord*, within and for the county of *Middlesex*, on the second Tuesday of *September, A. D. 1783*, have leave to enter at the same Court at their next term, the several actions which by the said rule were referred to the determination of *Benjamin Brown* and *John Bridge*, Esq's. of *Lexington*, and Captain *Isaac Gleason*, of *Waltham*; and the said Court are hereby authorized and empowered to try and determine the same in the same manner as though the parties had not entered into the said rule; and that execution upon each of the said actions be stayed in the mean time.

CXIX.

Resolve on the petition of *Samuel Amee*, granting him *seventeen pounds twelve shillings*, in consolidated notes; and directing the Secretary to furnish the Attorney-General with copies of his petition and this resolve. *March 11, 1785.*

On the petition of *Samuel Amee*, setting forth that one *Moses Barker* had, by a forged order, drawn from the treasury of this Commonwealth, the wages due to him the said *Samuel*, for his service as a soldier in the last State train of artillery, under the command of Captain *Amos Lincoln*, and praying for the payment of his said wages:

Resolved, That there be allowed and paid out of the treasury of this Commonwealth to the said *Samuel Amee*, the sum of *seventeen pounds twelve shillings*, by delivering him consolidated notes to that amount, in full for his said service, he giving sufficient security for repayment in case it shall hereafter appear that the said order was not forged; and the Secretary of this Commonwealth is hereby directed to furnish the Attorney-General with attested copies of the said petition and this resolve, in order that such proceedings may be had as to law and justice appertains.

CXX.

Resolve on the petition of *Ebenezer Bridge* and *Samuel Thatcher*, Esq's. confirming the doings of *Thaddeus Mason*, Esq; as Register of Deeds. *March 12, 1785.*

On the petition of *Ebenezer Bridge* and *Samuel Thatcher*, Esq's. praying that the doings of *Thaddeus Mason*, Esq; as Register of Deeds, may be confirmed:

Resolved, That the prayer be granted, and that all records of deeds, as also all copies, attestations and certificates by *Thaddeus Mason*, Esq; attested as Register of Deeds, from the seventeenth day of *March, 1784*, to the fourth day of *December*, of the same year, be, and hereby are as fully ratified and confirmed, as if the act of the General Court of the seventeenth day of *March, 1784*, (entitled, "An act for the more safe keeping the registry of deeds and conveyances of land, and for appointing the time and manner of choosing registers,") had never passed; any other law or resolve to the contrary notwithstanding.

CXXI.

Resolve on the petition of *Samuel Field*, administrator on the estate of *Samuel Mun*, empowering him to execute a good deed of the estate mentioned. *March 14, 1785.*

On the petition of *Samuel Field*, administrator on the estate of *Samuel Mun*, late of *Greenfield*, deceased, intestate, praying that some person may be authorized to make sale of the real estate of the said deceased :

Resolved, That *Samuel Field*, administrator on the estate of the said *Samuel Mun*, be, and hereby is authorized and empowered to make and execute a good and lawful deed of sale to *George Grenell*, of the whole real estate whereof the said *Samuel Mun* died seized, consisting of about two third parts of the farm in *Greenfield* aforesaid, on which *Samuel Mun*, father of the said deceased, lately lived, with the buildings thereon, now in possession of the said *Grenell* ; he the said *Grenell* first paying to the said administrator the sum of *two hundred pounds*, agreeable to contract, including such sum or sums of money as the said *George Grenell* shall make appear to the commissioners appointed to examine the claims of the creditors to the said estate, that he paid to the said *Samuel Mun*, before his decease, in part pay for the aforesaid land and buildings ; and the administrator aforesaid shall, before the sale aforesaid, give bond, with sufficient sureties to the Judge of Probate for the county of *Hampshire*, to account with him for the disposal of the money he shall receive by virtue of this resolve.

CXXII.

Resolve on the petition of *Jonathan Filer*, empowering him to enter the action mentioned, at a Court of Common Pleas to be held at *Pittsfield*, and staying execution. *March* 14, 1785.

On the petition of *Jonathan Filer*, praying that leave may be given to revive two actions in favor of *Solomon Lathrop* against him, on which judgments were rendered by the Court of Common Pleas in the county of *Berkshire*, *February* term, 1784:

Resolved, That the said *Jonathan Filer* shall be, and hereby is empowered to enter the said actions at the Court of Common Pleas, to be holden at *Pittsfield*, within and for the said county of *Berkshire*, on the second Tuesday of *May* next, by filing with the clerk of the said Court attested copies of all the papers contained in those cases, that the said actions shall thereupon be continued to the next term of the holding of the said Court ; that a notification shall thereupon be made of the premises, and served on the said *Solomon Lathrop*, or his attorney, fourteen days before the sitting of the said Court to which the said actions shall be continued, when the said Court shall proceed in said actions to all intents and purposes as if the said actions had been originally continued to the same Court, and that in the mean time no execution of the judgments aforesaid shall be made.

CXXIII.

Grant to the Honorable President of the Senate and Speaker of the House, and to each Clerk. *March* 14, 1785.

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to the Honorable *Samuel Adams*, Esq; president of the Senate, the sum of *six shillings* per day, for each day's attendance the present session of the General Court ; and to the Hon. *Samuel A. Otis*, Esq; speaker of the House of Representatives, the sum of *six shillings* per day, for each day's attendance on the General Court the present session, over and above their respective pay as members of the General Court.

Resolved, That there be allowed and paid out of the public treasury, to *Thomas Edwards*, Esq; Clerk to the honorable Senate, and to Mr. *George Richards*

ards Minot, Clerk to the House of Representatives, the sum of *sixty-five pounds*, in full for their respective services the year past, including the former grant made to them.

Resolved, That there be allowed and paid out of the public treasury, to the Reverend Mr. *Joseph Eckley*, Chaplain to the two Houses, the sum of *twelve pounds*, in full for his attendance on the General Court the year past.

CXXIV.

Resolve on the petition of *Walter McFarland*, granting him *seven pounds one shilling*, for bringing to his duty a disobedient soldier. *March 14, 1785.*

On the petition of *Walter McFarland*, praying that he may be allowed and paid his account herewith exhibited, amounting to *seven pounds one shilling*, being so much by him expended in securing and bringing to his duty a disobedient soldier, who refused to join the corps to which he belonged :

Resolved, That there be paid out of the treasury of this Commonwealth, to the said *Walter McFarland*, the aforesaid sum of *seven pounds one shilling*, in full of his said account.

CXXV.

Resolve on the letter of the Honorable *David Sewall*, Esq; empowering the Justices of the Supreme Judicial Court to proceed to ascertain the value in current money of certain notes. *March 15, 1785.*

Whereas in and by an act made and passed in the year 1780, entitled "An act to provide for the security and payment of the balances that may appear to be due, by virtue of a resolution of the General Assembly, of the sixth of *February*, one thousand seven hundred and seventy-nine, to this State's quota of the Continental army, agreeably to the recommendation of Congress, and for supplying the treasury with a sum of money for that purpose:" Among other things, "It is enacted, that certain persons therein named are severally appointed to collect and keep a true account, according to the best of their judgment, of the price of corn, beef, sheep's wool, and sole leather, in their respective counties, monthly, during the term of eight years, from the first day *January*, one thousand seven hundred and eighty, and make a true report of the same into the Secretary's office, upon the last Tuesday in *August*, and on the third Tuesday in *February*, annually, during the said eight years;" from the average prices whereof the Justices of the Supreme Judicial Court are to ascertain the value, in current money, of certain notes given to the officers and soldiers of the army: And whereas it appears to this Court, that five counties only have made returns, conformably to the said act: Therefore

Resolved, That the Justices of the Supreme Judicial Court, be, and they hereby are empowered and directed to proceed to ascertain and determine the value in current money, of the notes before mentioned, from such returns as they have received, and their own judgment in the premises.

CXXVI.

Resolve establishing the pay of the committee on accounts above their pay as members of the General Court. *March 15, 1785.*

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to each member of the committee on accounts, *one shilling* per day, for

for their attendance upon the business of the said commission, during the several sittings of the General Court the present year, over and above their pay as members of the Legislature.

CXXVII.

Resolve on the petition of *John Carnes*, for and in behalf of the town of *Lynn*, praying for an abatement of a fine, &c. *March 15, 1785.*

On the petition of *John Carnes*, for and in behalf of the town of *Lynn*, praying for an abatement of a fine, &c. on the said town :

Resolved, That the prayer of the said petition be so far granted, that the town of *Lynn* and district of *Lynnfield*, be, and they are hereby abated the sum of *two hundred and fourteen pounds two shillings and six pence*, to be divided between them according to the proportion they bear to each other in the taxes, it being what they were set while one town, as a fine (over and above the average price) for a deficiency of five men, required of them by a resolve of the General Court, *December 2, 1780.*

And it is further resolved, That the sum of *sixty-one pounds fourteen shillings and eleven pence*, being the *ten shillings* per cent. for assessing and collecting the fines from the people called Quakers, in the said town of *Lynn*, agreeable to the militia act, and which, through inadvertancy of the assessors, was returned to the Treasurer of the Commonwealth, be abated to the said town of *Lynn*; and the Treasurer of this Commonwealth is hereby directed to credit the said town of *Lynn* and district of *Lynnfield*, agreeably to the foregoing resolve, on the tax No. 3, for the year 1783.

CXXVIII.

Resolve granting *thirty pounds sixteen shillings* to *Gerge Little*, commander of the sloop *Winthrop*, for advances for the crew of said sloop. *March 15, 1785.*

Whereas it appears by a certificate from the Secretary of this Commonwealth, that *George Little*, late commander of the sloop *Winthrop*, has advanced *thirty pounds sixteen shillings* more than he received :

Resolved, That there be allowed and paid out of the treasury of this Commonwealth to *George Little*, late commander of the sloop *Winthrop*, belonging to this Commonwealth, the sum of *thirty pounds sixteen shillings*, in full for what he advanced for the crew of the sloop *Winthrop*.

CXXIX.

Resolve for adjourning *Hampshire Court* to the first Tuesday of *May* next. *March 15, 1785.*

Whereas a larger portion of time will necessarily be required for hearing and determining the civil and criminal causes that are now pending, and probably will be pending in the Supreme Judicial Court, in the several counties of *Worcester* and *Hampshire*, at the next terms there respectively, than the present arrangement of the said Courts will admit :

It is therefore resolved, That the Supreme Judicial Court, by law to be held at *Northampton*, for the county of *Hampshire*, on the last Tuesday of *April* next, be, and hereby is adjourned to the first Tuesday of *May* next, then to be held at the said *Northampton*, within and for the county of *Hampshire*.

And

And it is further resolved, That the Supreme Judicial Court, by law to be held at *Plymouth*, within and for the county of *Plymouth*, on the third Tuesday of *May* next, be, and hereby is adjourned to the third Wednesday of *May* next, being the 18th day of the same month, then to be held at *Plymouth*, for the county of *Plymouth*.

And it is further resolved, That the Supreme Judicial Court, by law to be held at *Barnstable*, in the county of *Barnstable*, for the counties of *Barnstable* and *Dukes-County*, on the Wednesday preceding the third Tuesday of *May* next, be, and hereby is adjourned to the fourth Monday of *May* next, being the twenty-third day of the same month, then to be held at the said *Barnstable*, for the counties of *Barnstable* and *Dukes-County*; and parties, witnesses, and all others interested or concerned, are to take notice and govern themselves accordingly. And the Secretary is directed to furnish the Justices of the said Supreme Judicial Court with a copy of these resolves, that they may direct the *venues* for jurymen to be issued accordingly. And the Secretary is likewise directed seasonably to publish these resolves in one of the *Boston* news-papers, and also in the *Worcester* and *Springfield* news-papers, three weeks successively.

CXXX.

Resolve on the petition of *Timothy Whitney*, in behalf of the town of *Loudon*, directing the Treasurer to receive the sums mentioned. *March 16, 1785.*

Upon the petition of *Timothy Whitney*, in behalf of the town of *Loudon*, shewing that *John Babb*, a collector of public taxes for the said town, hath in his possession *fifteen hundred and twenty-nine dollars, and one half dollar*, of Continental bills of credit, and it appearing to this Court that he received said bills to the use of this Commonwealth before the tenth day of *June, 1781*: Therefore,

Resolved, That the Treasurer of this Commonwealth be, and he hereby is authorized and directed to receive the aforesaid sum, and discharge the said *Babb* for the amount thereof upon the taxes in the payment of which he is now deficient.

CXXXI.

Resolve directing the Treasurer to borrow money to pay the members of the General Court the present session. *March 16, 1785.*

Whereas it may happen, that at the ensuing adjournment of this Court, a sum of money sufficient to pay the members may not be in the treasury: Therefore,

Resolved, That the Treasurer be, and he is hereby impowered and directed to borrow a sum of money sufficient to pay the members of the General Court for their services during the present session; *provided* there is not a sum adequate to the above purpose now in the treasury.

CXXXII.

Resolve on the petition of *Nathaniel Devenport*, authorizing him to sell the estate mentioned. *March 16, 1785.*

Upon the petition of *Nathaniel Devenport*, guardian to *Euclit* and *Thomas Houghton*, minors, praying for licence to sell the real estates of the said minors:

Resolved,

Resolved, That the said *Nathaniel Devenport* be, and he hereby is authorized and empowered to sell and convey all the real estate of which the said *Euclit* and *Thomas* are seized, and make and execute deeds thereof to the purchasers, observing in the sale thereof, all the rules and directions which executors and administrators are holden to in the sale of real estates, and first giving bond, with sufficient sureties, to the Judge of Probate for the county of *Suffolk*, to account with the said minors, when they shall arrive at full age, for the proceeds of the said sale, with interest therefor.

CXXXIII.

Resolve on the petition of the town of *Tyringham*, to relieve them of certain taxes mentioned. *March 16, 1785.*

On the petition of the town of *Tyringham*, praying to be relieved of certain taxes :

Resolved, For reasons set forth in the said petition, that the prayer thereof be so far granted, as there be remitted to the said town, the sum of *two hundred and twenty pounds fifteen shillings and five pence halfpenny*, which sum, it appears by the Treasurer's accounts, stands charged against the said town, for taxes deficient from the year 1755 to the year 1760; and the Treasurer of this Commonwealth is hereby directed to credit the said town of *Tyringham* accordingly.

CXXXIV.

Resolve on the petition of *Nathaniel Appleton*, Esq; granting him a sum of money of the old emission; for reasons mentioned. *March 16, 1785.*

On the petition of *Nathaniel Appleton*, Esq; setting forth, that *nine thousand nine hundred and forty dollars* of this State's proportion of Continental money, was counterfeit, and that he paid the deficiency out of his own money, and praying that he may be repaid agreeable to the scale of depreciation, &c.

Resolved, That the prayer of the petition be so far granted, as that there be paid out of the public treasury of this State to the said *Nathaniel Appleton*, the aforesaid sum of *nine thousand nine hundred and forty dollars*, in Continental money of the old emission, for reasons set forth in said petition.

CXXXV.

Resolve on the petition of the selectmen of *Ashfield*, abating a fine set against said town. *March 16, 1785.*

On the petition of the selectmen of *Ashfield*, praying for an abatement of a fine set against said town in the tax-act of *March, 1783*, for a deficiency of one man to serve in the Continental army for the term of three years, and it appears to this Court that the said town of *Ashfield* did actually procure their full quota of the said requisition : Therefore,

Resolved, That the Treasurer be, and he hereby is directed to credit the said town of *Ashfield* the sum of *two hundred and thirteen pounds two shillings and six pence*, in full for the fine and average price of the said man, in the tax-act of *March, 1783.*

CXXXVI.

Resolve on the petition of *Robert Hooper, Esq;* authorizing the committee of sales of absentees estates, for the county of *Essex*, to surrender up every part of the land, &c. mentioned. *March* 16, 1785.

Whereas this Commonwealth, before their Justices of their Court of Common Pleas, holden at *Newbury-Port*, in and for the county of *Essex*, on the last Tuesday of *September*, 1782, recovered judgment for their title and possession of and in a certain messuage, lands and tenements, situate in *Marblehead*, in the county of *Essex*, and upon which judgement execution issued, and possession of all the premises recovered as aforesaid was regularly given on the 18th of *November* following, by the sheriff of the said county, to *Israel Hutchinson, Esq;* in behalf of this Commonwealth; and whereas it appears that the said messuage, lands and premises, at the time of the making up of the said judgment, were the legal property, and of right belonged to *Robert Hooper, Esq;* of the said *Marblehead*, and that he ought now to be in quiet possession of the same: Therefore,

Resolved, That the said *Israel Hutchinson, Esq;* with the committee of sales of absentees estates for the said county of *Essex*, be, and they hereby are authorized and directed forthwith to surrender up to the said *Robert Hooper*, all and every part and parcel of the land, messuage and premises aforesaid, which they hold by virtue of the extension of the execution aforesaid, or by any particular resolve of the legislature of this Commonwealth; any law or resolve to the contrary, in any wise, notwithstanding.

CXXXVII.

Resolve on the petition of *Benjamin and Israel Fearing*, in behalf of the town of *Wareham*, appointing a committee to repair to the said town, view the circumstances, and report, &c. *March* 16, 1785.

Upon the petition of *Benjamin Fearing and Israel Fearing*, in behalf of the town of *Wareham*, representing the inability of the said town to pay the taxes already assessed upon them, and praying for relief:

Resolved, That *Elisba May, Charles Cushing, Esq'rs.* and *Mr. Thomas Clarke*, be a committee to repair to the town of *Wareham*, and take a view thereof, and also to make enquiry into the circumstances of the inhabitants, and report a state of the same at the next session of the General Court; the said town of *Wareham* defraying the whole expence of the said committee.

And it is further *Resolved*, That all executions against the said town of *Wareham* be stayed till a final determination of the General Court be had on the report of the committee aforesaid.

CXXXVIII.

Resolve on the petition of the selectmen of *Salem*, authorizing *Miles Ward* to collect the taxes mentioned. *March* 16, 1785.

On the petition of the selectmen of *Salem*, praying that *Miles Ward*, tertius, may be authorized to collect the public taxes remaining uncollected on the several tax lists, which in the year 1783 were committed to one *John Andrews*, a collector of the same town, who has since absconded:

Resolved, That the said *Miles Ward*, tertius, be, and he is hereby authorized and empowered to collect the public taxes which remain uncollected on the several tax lists aforesaid, as fully to all intents and purposes, as if he had been regularly

regularly and legally chosen a collector for that purpose, and had received, in due form of law, the necessary warrants of collection agreeably thereto; he the said *Ward* being first sworn to the faithful discharge of the duties assigned him by this resolve.

CXXXIX.

Resolve on the petition of *Josiah Waters*, as agent for the owners of the ship *General Putnam*, lost on the expedition at *Penobscot*, granting *nine thousand pounds*, in manner as other owners of vessels were paid. *March 17, 1785.*

On the petition of *Josiah Waters*, as agent for the owners of the ship *General Putnam*, lost on the expedition against the British post at *Penobscot*, setting forth, that the said ship was taken by order of this Government into their service, against the consent of the owners thereof; and that the said ship was appraised by persons appointed by the then board of war, in which appraisement neither the said owners or their agent had any voice, nor were contenting thereto; and it appearing that the sum at which this ship was appraised was not equal to her value, compared with the value at which other vessels lost on the same expedition were appraised:

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the said *Josiah Waters*, as agent to the owners of the said ship *General Putnam*, the sum of *nine thousand pounds*, lawful money, in the same way and manner as the owners of the other vessels lost on the said expedition were paid, which sum of *nine thousand pounds* shall be in full payment for the said ship, with her appurtenances and equipments: Provided nevertheless, That if the Treasurer of this Commonwealth has already paid any sum or sums of money on account of the loss of the said ship *General Putnam*, the same shall be deducted from the aforesaid sum of *nine thousand pounds*, and the balance thereof only be paid.

CXL.

Resolve granting *thirteen hundred and sixty-five pounds*, for defraying the necessary charges of the county of *Essex*. *March 17, 1785.*

On the representation of the Justices of the Court of General Sessions of the Peace for the county of *Essex*:

Resolved, That there be, and hereby is granted, a tax of *thirteen hundred and sixty-five pounds*, to be apportioned and assessed on the inhabitants of the said county and estates lying within the same, and collected, paid and applied for the use of the said county, according to the laws of the Commonwealth.

CXLI.

Resolve requesting the Lieut. Governor to forward to the delegates at Congress, copies of the report of the agents who repaired to the eastern part of this State, by a resolve of *July, 1784*, &c. *March 17, 1785.*

Resolved, That his Honor the Lieut. Governor be, and he hereby is requested to forward to the delegates of this Commonwealth, at Congress, as soon as conveniently may be, copies of the report made by the agents appointed by a resolve of the 7th of *July, 1784*, to repair to the eastern part of this State, to inform themselves of encroachments made by *British* subjects; and also a copy of the letter from *Rufus Putnam, Esq;* to the Legislature, with respect to the eastern boundary of this State, and such parts of the official correspondence between

between the late Governor *Hancock* and Governor *Parr*, of *Nova-Scotia*, touching the same boundary, as may be in the possession of the Lieutenant-Governor, with such other information and evidence concerning the same boundary line, as he may be able to procure.

And be it further *Resolved*, That the Lieut. Governor be requested to inform the said delegates, that it is the expectation of the General Court, that they use their utmost endeavours to procure such instructions from Congress to their Minister at the Court of *London*, as shall be thought most effectual to prevent any further disputes concerning the said eastern boundary, and cause the encroachments aforesaid to be removed.

CXLI.

Resolve on the petition of *Timothy Jackson*, of *Newtown*, giving liberty to the administrator of his late father's estate, to pay the principal sum mentioned. *March 17, 1785.*

On the petition of *Timothy Jackson*, of *Newtown*, setting forth, that previous to the late war, his father was indebted to the estate of the late *Jane Eustis*, a sum of money by bond, and mortgaged his real estate as collateral security for payment thereof, and that the money due as aforesaid became the property of *Sampson Salter Blowers*, Esq; an absentee, and that the said bond, during the said war, was carried out of this Commonwealth, so that the same could not be come at to be discharged; that since the establishment of peace, an action of ejectment has been brought against the said *Timothy* for the possession of the premises mortgaged as aforesaid, and judgment hath been rendered for the same, and the said *Timothy* is likely to be dispossessed of the said estate, unless the principal sum mentioned in the condition of the said deed is paid, with interest in full, contrary to a resolve of the General Court of this Commonwealth, passed the last session of the General Court, postponing the payment of the interest due on absentees debts, in certain cases, until the sense of Congress could be had thereon: Be it therefore

Resolved, That the said administrator on the estate of the said *Jackson* shall be, and hereby he is at liberty to pay the principal sum due on the said bond, with the interest thereon, up to the 19th day of *April, 1775*, with such costs and charges of Court as shall or may arise in consequence of the said action brought as aforesaid, and the same shall operate in bar of the said action, as fully as if the whole of the principal and interest due thereon was paid to the making up the said judgment: Provided always, and this resolve shall not be construed to prevent the future payment of the said interest due since the said 19th day of *April, 1775*, provided the interest due on the debts of absentees shall be finally adjudged by Congress or this Commonwealth as justly due to the said absentees.

Be it further *Resolved*, That all sums of money paid on the said bond since the said 19th day of *April, 1775*, shall be considered as paid towards the principal and interest, due previous to the said 19th day of *April, 1775*, and not afterwards, any law or custom to the contrary notwithstanding.

CXLI.

Resolve on the petition of *John Jenks*, to serve *Samuel Miller* and *Caleb Hill*, as mentioned, with a copy of the petition and order thereon, and staying execution. *March 17, 1785.*

On the petition of *John Jenks*, praying for a trial and hearing at the next Court of Common Pleas, to be holden in and for the county *Berkshire*, in an action or plea of trespass on the case commenced against him by *Samuel Miller* and *Caleb Hill*, at a Court of Common Pleas, held in said county on the second

cond Tuesday of *May, A. D. 1784*; and that further proceedings in the said action be stayed in the mean time, for reasons set forth in the said petition.

Resolved, That the said *John* serve the said *Samuel* and *Caleb*, or their attorney, with an attested copy of his petition, and this order thereon, fifteen 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) on the said day, why the prayer of the said petition should not be granted. And it is hereby resolved, that execution, or any further proceedings on the said action, be stayed in the mean time.

CXLIV.

Resolve entitling *John Francis*, Capt. of the 11th *Massachusetts* regiment, to one eighth part of pay. *March 17, 1785.*

On the representation of *John Lucas*, Esq; commilitary of pensioners, in behalf of *John Francis*, Capt. of the eleventh *Massachusetts* regiment, who lost one finger and the use of another finger by a shot, while in the service of the United States :

Resolved, That the said *John Francis* be entitled to receive one eighth part pay as a Captain, from the nineteenth day of *March*, one thousand seven hundred and eighty, till the further order of the General Court or Congress.

CXLV.

Resolve on the petition of the selectmen of *Leicester*, directing the Treasurer to recall the execution issued on account of the deficiency of three constables mentioned. *March 17, 1785.*

On the petition of the selectmen of *Leicester*, in behalf of the said town, praying to be relieved from an execution issued against them by *Thomas Iwers*, Treasurer of the said Commonwealth, for reasons set forth in said petition :

Resolved, That the Treasurer be, and he hereby is directed to recall his said execution against the said town, and discharge them from the sum for which the said execution was issued, on account of the deficiencies of three delinquent constables, viz. *Benjamin Richardson*, *James Jackson*, and *John Crowl*, the said sum being *twelve pounds eight shillings and seven pence*; it appearing to this Court that the sums aforesaid have heretofore been paid into the treasury.

CXLVI.

Resolve on the petition of *James Swan*, Esq; directing the committee upon the subject of unappropriated lands in the county of *Lincoln*, to sell him land, as mentioned. *March 17, 1785.*

Whereas it appears to the General Court that *James Swan*, Esq; is in possession of several certificates or due bills from the Treasurer of this Commonwealth, payable in gold or silver, from the proceeds of the outstanding taxes, which he is desirous may be received from him in payment for lands: Therefore

Resolved, That the committee appointed the 28th of *October, 1783*, upon the subject of unappropriated lands in the county of *Lincoln*, be, and they hereby are authorized to sell lands to the said *James*, at the value thereof in gold or silver, to the amount of such certificates and due bills, and receive the same certificates or due bills in payment therefor, he giving a receipt thereon, and the same to deliver to the Treasurer of this Commonwealth.

CXLVII.

Resolve on the petition of the Hon. *James Russell*, Esq; empowering him to perform all things as executor to the will of *Chambers Russell*, Esq; deceased, &c. *March 17, 1785.*

On the petition of the Hon. *James Russell*, Esq; representing that *Jonatban Sewall*, Esq; joint executor with him of the will of the late *Chambers Russell*, Esq; is absent from this country, and that there is no probability of the said *Sewall's* return :

Resolved, That *James Russell*, Esq; one of the executors of the last will and testament of *Chambers Russell*, Esq; late deceased, be, and he is hereby empowered to do and perform all things as an executor to the aforesaid will, in as full and ample a manner as he, the said *Russell* and the said *Sewall*, might have done in conjunction as executors to the said will ; any thing in the law to the contrary notwithstanding.

CXLVIII.

Resolve extending licences to *George Spooner*, and others, to the next session of the General Court. *March 17, 1785.*

Whereas the Governor, with the advice of Council, hath granted licence to *George Spooner*, *John Amory*, *Thomas Oxnard*, *Nathaniel Chandler*, *Thomas Brattle*, *David Green* and *Isaac Winslow*, to reside within this Commonwealth :

Resolved, That the licences aforesaid be, and hereby are approved, and shall be continued in full force till the second Tuesday of the next sitting of the General Court : *Provided*, The Governor, with the advice of Council, shall judge the continuance of the persons licensed as aforesaid not incompatible with the safety of the Commonwealth.

CXLIX.

Resolve on the petition of *John Wiley*, and others, in behalf of the town of *Dalton*, directing the Treasurer to credit the said town the taxes prior to *January 1, 1782.* *March 17, 1785.*

On the petition of *John Wiley*, and others, in behalf of the town of *Dalton*, representing that the public taxes are greatly accumulated on the inhabitants of the said town beyond their abilities to pay ; and the representation appearing to this Court to be well grounded :

Resolved, That the Treasurer be, and he hereby is directed to credit the town of *Dalton* all their taxes prior to the first day of *January, 1782.*

CL.

Resolve on the petition of *Joseph Ashley* and *Mary Leonard*, administrators on the estate of Col. *David Leonard*, deceased, to notify the creditors to shew cause, and staying execution. *March 17, 1785.*

On the petition of *Joseph Ashley* and *Mary Leonard*, administrators on the estate of Col. *David Leonard*, deceased, praying that a longer time may be allowed the creditors of the said estate to bring in their claims, or to confirm the second apportionment made by the Judge of Probate for settling the said estate, for reasons set forth in the said petition :

Resolved,

Resolved, That the petitioners notify the creditors of the said estate to shew cause, if any they have, on the second Thursday of the next sitting of the General Court, why the prayer of the said petition should not be granted; by publishing a copy of this resolve in the *Springfield* news-papers, three weeks before the said second Thursday, and that all suits against the petitioners in the said capacity, in the mean time, be stayed.

CLI.

Resolve on the petition of *Hezekiah Smith*, directing the committee for the sale of absentees estates in the county of *Essex*; and directing the Treasurer to omit calling on said *Smith* for payment of his note mentioned: *March 17, 1785.*

Whereas it appears that the Rev. *Hezekiah Smith*, of *Haverhill*, has served the Commonwealth as a Chaplain in the Continental army faithfully, and in other respects exerted himself in the cause of his country in the late war, and has represented to the legislature that he has purchased of the committee for the sale of absentees estates in the county of *Essex*, a small piece of land, and building thereon, and giving his promissory note therefor, in the sum of *eighty-nine pounds*, which he cannot without great difficulty discharge at this time; which representation appearing to be true;

Resolved, That the said committee for the sale of absentees estates lodge the said note with the Treasurer, and thereupon be discharged to the amount thereof, and that the Treasurer be, and he is hereby directed to suspend calling on the said *Hezekiah* for the payment of his said note, for and during the term of one year from the time of passing this resolve.

CLII.

Resolve on the petition of *Ebenezer Cook*, and others, cordwainers, in *Berkshire* county, subjecting no person within this Commonwealth to prosecution for the breach of any law prohibiting the same person from carrying on more than one branch of business in leather manufactory. *March 17, 1785.*

On the petition of *Ebenezer Cook*, and others, cordwainers, in the county of *Berkshire*, setting forth, that during the troubles of war, and the unsettled state of things consequent thereon, they were under a necessity to tan and curry their own leather: And whereas there is reason to apprehend that the same causes have operated to the practice aforesaid in many other parts of the Commonwealth: It is therefore

Resolved, That no person whatever within this Commonwealth shall be subject to any prosecution, fine or penalty, on account of the breach of any law prohibiting the same person from carrying on more than one branch of the business of the leather manufactory, at any time or times between the nineteenth day of *April, A. D. 1775*, and the nineteenth day of *April, 1785.*

CLIII.

Resolve on the petition of *Jeremiah Cady*, empowering the sheriff of the county of *Berkshire* to release him from his confinement, on paying the excise mentioned. *March 17, 1785.*

On the petition of *Jeremiah Cady*, praying that he may be released from his confinement in *Great-Barrington* goal, for reasons set forth in the said petition:

Resolved,

Resolved, That the prayer of the said petition be so far granted, that on the petitioner's making payment of the excise due to the collector of excise of the county of *Berkshire*, and the cost that hath arisen on the suit brought against the said *Cady* for not accounting for the excise on the liquors by him disposed of according to law, the sheriff of the county of *Berkshire* is hereby empowered and directed to release the said *Jeremiah Cady* from his confinement in goal on that account; any law or resolve to the contrary notwithstanding.

CLIV.

Resolve on the petition of *Patrick Neef*, directing the Treasurer to give two consolidated notes, he giving security to refund in case, &c. *March 17, 1785.*

On the petition of *Patrick Neef*, praying that the Treasurer of this Commonwealth may be directed to give him two consolidated notes, for reasons mentioned in the said petition:

Resolved, That the prayer of the said petition be granted, and that the Treasurer of this Commonwealth be, and he hereby is directed to give to the said *Patrick Neef* two notes, one bearing date the first day of *January, 1782*, for the sum of *thirty-nine pounds eleven shillings*, with nine months interest paid, endorsed on the said note; also one bearing date the first day of *November, 1782*, for the sum of *five pounds fifteen shillings and six pence*, in place of certain notes of the like tenor and date consumed by fire; *Provided,* That the said *Patrick Neef* do give security to the Treasurer to refund the value of the notes he shall give as before directed, in case the notes said to be destroyed shall hereafter be offered at the treasury for payment.

CLV.

Resolve on the representation of the town of *Bath*, directing the Treasurer to credit said town a certain sum mentioned, and directing the collectors of said town to pay said sum into their town treasury. *March 17, 1785.*

On the representation of the town of *Bath*, setting forth, that they were not credited for the average price of one man which they procured to serve for three years in the Continental army:

Resolved, That the Treasurer be, and he is hereby directed to credit the said town of *Bath* for the sum of *eighty-five pounds thirteen shillings*, it being the average price of the men who served for three years in the Continental army, agreeable to a resolve of *December 2d, 1780.*

And it is further resolved, That the collector or collectors of the said town of *Bath* be, and they are hereby directed to pay the aforesaid sum of *eighty-five pounds thirteen shillings* into their town treasury.

CLVI.

Resolve allowing pay to the members of the General Court and Hon. Council: *March 17, 1785.*

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to each member of the Honorable Council of the said Commonwealth, the sum of *eight shillings* for each day they have respectively attended, or may attend in Council, from the nineteenth day of *January* last, until the eighteenth day of *March* current inclusive;—to each member of the Senate, the

the sum of *seven shillings and six pence*, for each day that they have respectively attended in Senate the present session of the General Court; and to each member of the Hon. House of Representatives, the sum of *seven shillings*, for each day that they have respectively attended in the House of Representatives in the same session of the said Court; and that their travel respectively be paid in a proportion conformable to the usage and custom of the said Court.

CLVII.

Resolve on the petition of the town of *Bowdoinham*, directing the Treasurer to credit said town with the sum mentioned. *March 17, 1785.*

On the petition of the town of *Bowdoinham*, setting forth, that they were set too high in the last valuation, by reason of a large quantity of wild land, together with a number of inhabitants unable to pay taxes being annexed to them, whereby they became burthened with an undue proportion of taxes:

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed to credit the said town of *Bowdoinham* with the sums hereafter named, *viz.* In tax No. 2, *twenty-five pounds*; tax No. 3, *sixty-seven pounds seven shillings and six pence*; in tax No. 4, *seventeen pounds ten shillings*.

And it is further resolved, That the collector or collectors of the said town of *Bowdoinham* be, and they are hereby directed to pay the aforesaid sums with which the same town is credited as aforesaid, into their town treasury; any act or warrant to the contrary notwithstanding.

CLVIII.

Resolve on the petition of *Enoch Bartlett*, and others, confirming a grant of five townships, lying between *Penobscot-River* and *Union-River*, on certain conditions. *March 17, 1785.*

The committee on the subject of unappropriated lands in the county of *Lincoln*, take leave to report on the petition of *Enoch Bartlett*, and others, praying for the confirmation of the grant of six townships lying between *Penobscot-River* and *Union-River*, which was conditionally made to *David Marsh*, and others, on the second day of *March*, 1762. That in their opinion it will be expedient to confirm to the said *Marsh*, and others, five of the said townships, *viz.* N^o. 1, 2, 4, 5 and 6, on the following conditions, *viz.*

That the proprietors of the said townships pay to government for each of them, the sum of *one thousand pounds*, in the consolidated notes of this Commonwealth, within one year from this time, with interest.

That the proprietors, within six years from this time, compleat in each township the settlement of sixty good Protestant families, and building of sixty houses, none to be less than eighteen feet square, and seven feet stud, and clear and cultivate five acres of land on each share fit for mowing or tillage.

That in each township they build a suitable meeting-house for the public worship of God, and settle a learned protestant minister, and make provision for his comfortable and honorable support; and that in each township there be reserved and appropriated, four whole rights or sixty-four parts, for quantity and quality, in the division of the same, for the following purposes—One for the first settled minister, his heirs and assigns forever; one for the use of the ministry; one to and for the future appropriation of government; and one for the use of a school, forever.

That one half of a proprietor's share already lotted for quantity and quality, (which share contains about one hundred acres) or where a settlement is made

on unlotted lands, then such quantity of the said unlotted lands as shall be equivalent thereto, shall be assigned to the settler who settled thereon before the twentieth day of *January, 1783*, his heirs or assigns, in consideration of his performing the duties of a settler; *provided*, he has performed, or shall contract to perform within six years, the duties of a settler as prescribed in this grant; each settler to have his choice of either half of the lotted share, the same having been first divided, as was practiced in the first settlement of the said township.

That where a settler has made improvement out of the limits of the said half share so chosen, he shall have liberty to purchase the lands so improved at a reasonable price, estimating the same in a state of nature, or to receive of the proprietor of the said share, a reasonable allowance for such extra improvements, at the settler's election.

And in case of any disagreement about the said price or allowance, or any other matter relating to a settlement, that the same be decided by disinterested men, one of whom shall be chosen by the proprietor, one by the settler, (and in case they cannot agree) the third by the two chosen as aforesaid.

That each settler shall have liberty at any time within twelve months from this date to purchase of the said proprietors fifty acres, for quantity and quality, of the unlotted lands in the township where he is settled, at a price not exceeding *three shillings* per acre.

Provided nevertheless, That where any agreement has been made between a proprietor or proprietors, and a settler or settlers, as to terms of settlement, such agreement shall not be violated.

The committee have omitted to report respecting the township N^o. 3, (commonly called *Major-Bigwaduce*) by reason that on account of its peculiar circumstances, it is, in their opinion, impossible to propose any general principles which will apply in common to that and the other townships, though it may be reasonable to grant them some part of that township, or to make them compensation in some other way.

SAMUEL PHILLIPS, jun. }
 NATHANIEL WELLS, } Committee.
 NATHAN DANE, }

Boston, March 15, 1785.

Read and accepted, and thereupon *Resolved*, That the grant of the five townships aforesaid be confirmed to the said *Marsh*, and others, on the conditions in the said report.

CLIX.

Resolve directing the Treasurer to state his accounts to the first of *June* next, to be laid before the General Court the second week of the next session, &c. and directing the committee for methodizing accounts to examine the said Treasurer's accounts. *March 17, 1785.*

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed to state his accounts to the first of *June* next, in order that the same may be laid before the General Court in the second week of the next sitting thereof, and that the accounts already exhibited by him and not passed upon, be returned to him. And

It is further resolved, That the committee for stating and methodizing of accounts be, and they are hereby directed to examine the said Treasurer's accounts, form the balance, and make report in the said second week of the Court's sitting, with the Treasurer's accounts stated, as before directed.

Resolve

CLX.

Resolve granting *forty pounds* to *Benjamin Lincoln* and *Henry Knox*, Esquires, late commissioners of this State to ascertain the *British* encroachments at the eastward; and directing the commissary-general to pay the hire of the sloop mentioned. *March 17, 1785.*

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to *Benjamin Lincoln* and *Henry Knox*, Esquires, late commissioners on the part of this State to ascertain the *British* encroachments at the eastward, and to treat with the *Penobscot Indians*, the sum of *forty pounds* each, in full for their services and expenditures in performing the business of their commission: At that the commissary-general of this Commonwealth be, and he hereby is directed to pay the hire of the sloop employed by the said commissioners in the business aforesaid.

CLXI.

Resolve on the petition of *Christopher Gore*, attorney to *Alexander Champion*, surviving partner of the late company of *Champion* and *Hayley*, empowering *Sarah Gray* to convey the real estate mentioned. *March 17, 1785.*

On the petition of *Christopher Gore*, attorney to *Alexander Champion*, surviving partner of the late company of *Champion* and *Hayley*, of the city of *London*, and kingdom of *Great-Britain*, praying that *Sarah Gray*, widow of *Ellis Gray*, late of *Boston*, deceased, who was sole acting executor of the last will and testament of *Thomas Gray*, late of the same *Boston*, deceased, may be authorized and empowered to convey certain real estate, (in said petition described) to the said *Champion*, as surviving partner aforesaid, the same having originally been conveyed by *John Pigeon* and *Jane Pigeon* to the said *Thomas*, for the use of the said *Champion* and *Hayley*; of which petition the heirs and legatees of the said *Thomas Gray*, together with *Mary Hayley*, have had due notice to appear and shew cause, if any they had, on the second Wednesday of the present sitting of the General Court, why the prayer thereof should not be granted; which time hath elapsed, and no such cause by either of them being offered:

Therefore, *Resolved*, That the said *Sarah Gray*, an executrix of the last will and testament of the said *Ellis Gray*, executor as aforesaid, be, and she hereby is, in her said capacity, authorized and empowered to convey all the real estate, described in the said petition, to such person or persons, being a citizen of this or either of the United States, as *Mary Hayley* shall direct; for the same to enure to the use of the said *Champion* and the legal representatives of the said *Hayley*, deceased.

CLXII.

Resolve on the petition of the proprietors of the town of *Townsend*, granting them the lands mentioned, on condition. *March 17, 1785.*

Whereas it appears to this Court, that in the year 1719, there was granted unto the proprietors of the town of *Townsend*, a lot of land, not exceeding six miles square; and that by running the *New-Hampshire* line, ten thousand two hundred and twelve acres were lost, a part of which has been compensated, to wit, to the late Col. *Lawrance*, *John Farrow* and *Joshua Wyman*, for their proportion of the said lot of lands, and that the other proprietors have not been compensated for their lands lost as aforesaid:

Resolved,

Resolved, That the proprietors of the said township of *Townsend*, and other persons interested therein, who have not heretofore received compensation for their said lost lands, shall have, and there is hereby granted unto the said proprietors and persons interested as aforesaid, (part thereof in compensation of their said lost lands) one of the seven townships, A. D. 1784, surveyed and located by *Rufus Putman*, Esq; between the rivers *Schoodic* and *Cobscook*, to wit, the township marked No. III. on his plan of the said townships, containing twenty thousand seven hundred and thirty-four acres; reserving, however, two hundred acres of good land, near the center of the said township, for the future disposition of Government; they, the said proprietors and persons interested as aforesaid, appropriating, near the center of the said township, two hundred acres to the use of the ministry; two hundred acres to the use of the first settled minister, and two hundred and eighty acres for the use of a grammar-school, and paying into the treasury of this Commonwealth, in twelve months from this date, the sum of *eight hundred and seventy pounds*, in the consolidated securities of this Commonwealth, and settling in the same township, in four years from the date of this resolve, twenty families; each whereof shall build a framed house, and clear six acres of land in five years from this date.

Provided nevertheless, If any of the original proprietors of the aforesaid tract which was taken from *Townsend* by running the said line, and who have not received compensation therefor, shall not, within one year from the date hereof, transmit to the Secretary's office evidence of his being the proprietor, or the heir or assign of such proprietor, then the share which might belong to such proprietor, heir or assign, shall revert to, and become the property of the Commonwealth; and all reasonable expences for lotting the said township, which might be reasonably charged on the share of such proprietor, heir or assign, shall be paid out of the public treasury: And also provided, that so much of the aforesaid sum of *eight hundred and seventy pounds* in consolidated notes shall be returned to the said proprietors, as shall be a just proportion of those proprietors shares as may revert to Government as aforesaid,—on condition, however, that this grant shall not operate until the said proprietors shall execute a release to this Commonwealth of the lands lying in the westerly part of this State granted to them by a resolve of the General Court of the 25th day of *April*, A. D. 1771, and of all other lands which may have been heretofore granted to the said proprietors in compensation for their aforesaid loss.

And be it further resolved, That the committee appointed by a resolve of the twenty-eighth of *October*, A. D. 1783, on the subject of unappropriated lands in the county of *Lincoln*, on the said proprietors and persons interested as aforesaid giving security for the payment of the sum aforesaid, give a good deed of conveyance of the said township to the proprietors and persons interested aforesaid, containing a fair description of the boundaries thereof.

CLXIII.

Resolve for repealing a resolve passed on the petition of *George Williams*, Esq; and others, directing the Treasurer to issue a note payable to said *Williams*, for the ship *Black Prince*, lost at *Penobscot*. *March 17, 1785.*

Whereas by a resolve of the General Court of this Commonwealth, of the second day of *March* instant, a certain mode was adopted for settling with *George Williams*, Esq; as agent of the ship *Black Prince*, for the amount of the sums due to the owners of the same ship, for the loss thereof in the expedition
against

against *Penobscot*, in the year 1779, which mode of settlement, upon mature consideration, appears to be very unequal as applied to the other creditors of government:

Therefore *Resolved*, That the above-mentioned resolution of the second of *March* inst. be, and it is hereby repealed, and made null and void to all intents and purposes; and the Treasurer of this Commonwealth is directed to govern himself accordingly.

CLXIV.

Resolve referring to the Governor and Council the erection of a monument to the memory of Major-General *Warren*, and the doings of Congress relative thereto. *March* 17, 1785.

The committee of both Houses, to whom was referred the Governor's message of the 25th of *January*, respecting the erection of a monument to the memory of Major-General *Warren*, and the doings of Congress relative thereto, beg leave to report, that Congress, on the eighth day of *April*, 1777,

Resolved, That a monument should be erected to the memory of that illustrious hero, with an inscription which follows the resolve; and on the 12th of the same month *Resolved*, That *five hundred dollars* should be allowed for that purpose; and at the same time recommended to the then executive powers of the *Massachusetts-Bay* to carry their resolutions into execution. Your committee are therefore of opinion, that the present executive power of this Commonwealth is fully adequate to, and sufficiently authorized to complete the virtuous designs of Congress, expressed in the afore-mentioned resolves; and that the papers be referred back to the Governor and Council accordingly.

CLXV.

Resolve requiring delinquent towns to exhibit duplicate receipts of beef, on or before the first day of *July*, 1785; and directing *Oliver Phelps*, Esq; to return the beef receipts of agents into the Secretary's office. *March* 17, 1785.

Whereas the Secretary of this Commonwealth was directed by a resolve of this Court, passed the 12th day of *November*, 1784, to make a list of the receipts of the agents for the several counties who acted under *Oliver Phelps*, Esq; and deliver the same to the said *Phelps*, taking his receipt therefor, in order to enable him to complete a settlement with the said agents; and it is necessary the said receipts should be again lodged in the said office, in order that the receipts which may hereafter be returned by delinquent towns may be duly examined: Therefore

Resolved, That *Oliver Phelps*, Esq; be, and he is hereby directed to return the said agents receipts into the Secretary's office, as soon as may be after he shall have completed the settlements with said agents.

And whereas great inconveniencies result to this Commonwealth by the neglect of towns to exhibit duplicate receipts for beef, procured by them on the several requisitions of the General Court, by retarding the settlement of the several agents: Therefore

Resolved, That all such delinquent towns as shall neglect to exhibit their duplicate receipts to the Secretary on or before the first day of *July* next, be, and are hereby precluded from any advantages which might accrue to such town by their exhibiting such receipts.

CLXVI.

Grant to *William Baker*, of *seventy pounds*, for services as messenger to the General Court. *March 17, 1785.*

On the petition of *William Baker*, messenger to the General Court, praying allowance for six months service, ending the sixth day of *May* next :

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth unto the said *William Baker*, the sum of *seventy pounds*, in full for his services as messenger to the General Court, for six months, ending the sixth day of *May* next.

CLXVII.

Resolve granting Captain *John Read* *eighteen pounds* for a whale-boat. *March 17, 1785.*

Whereas it appears to this Court by a certificate from *William Lithgow, Esq;* that Capt. *John Read* furnished a whale-boat and appurtenances for the use of the troops under the command of Col. *James Hunter*, in the year 1782 :

Resolved, That there be allowed and paid out of the treasury of this Commonwealth to Capt. *John Read*, the sum of *eighteen pounds*, in full for the said whale-boat, and her appurtenances, and that the same be charged to the United States, agreeable to a resolve of the General Court, passed *March 7, 1782.*

CLXVIII.

Resolve on the report of *William Lithgow, jun.* empowering said *William*, and others, as mentioned, to treat with the *Penobscot* tribe of Indians, respecting their claims to lands on *Penobscot-River*. *March 18, 1785.*

On the report of *William Lithgow, jun. Esq;* pursuant to the direction of the legislature, stating the claims of the Indians to lands on *Penobscot-River* :

Resolved, That *William Lithgow, jun. Thomas Rice* and *Rufus Putnam, Esq'rs.* be, and hereby are authorized and empowered to treat with the *Penobscot* tribe of Indians respecting their claims to lands on the river *Penobscot* ; to make full enquiry into the nature and extent of their said claims, and by an amicable treaty to adjust and ascertain the same, so far as may be practicable, and in behalf of this Commonwealth, by the use of all fair, open and honorable methods, to endeavour to obtain from the said Indians an acquital and relinquishment of their possessions, and of all their claims and pretensions of title to the said lands ; and in case the same cannot be obtained, to agree upon and limit the boundaries of the said claims and possessions on terms mutually advantageous and satisfactory to the parties, and to perform the same as soon as possible, and report their doings thereon to the General Court for confirmation.

CLXIX.

Resolve on the petition of *Stephen Cross*, explaining a resolve passed the 21th *February* last, permitting him to sweep *Penobscot* river. *March 18, 1785.*

On the petition of *Stephen Cross*, praying for a revision or explanation of a resolve permitting him to sweep the river *Penobscot*, passed the General Court the 11th instant :

Resolved, That the following words which conclude the said resolve, *viz.* Or as shall hereafter otherwise be ordered, be, and they are hereby repealed.

Resolve

CLXX.

Resolve respecting money due to the estates of deceased officers and soldiers.
March 18, 1785.

Whereas there is reason to apprehend, that great impositions have been practised upon the heirs of deceased officers and soldiers who belonged to the army of the United States :

Resolved, That the Treasurer of the Commonwealth be, and he is hereby directed not to deliver any notes, or pay any money that is due to the estate of any officer or soldier who has belonged to the Continental army, unless an order for the same from the heirs, executor or administrator of the said deceased, shall be presented by a member of the Council or Senate belonging to the same county, or by a Representative of the same town to which the said heirs, executor or administrator respectively belong ; or in case there should be no Representative from such town, then by a Representative from any town adjacent.

CLXXI.

Resolve on the petition of *John Goddard*, in behalf of the town of *Brookline*, empowering the assessors to make out a warrant to *Ebenezer Davis*, to collect the rates due in 1781. *March 18, 1785.*

On the petition of *John Goddard*, in behalf of the town of *Brookline*, praying that the present assessors of the town of *Brookline* may be empowered to make out warrants to *Ebenezer Davis*, collector of taxes for the town of *Brookline*, for the year 1781 :

For reasons set forth in the said petition *Resolved*, That the prayer of the said petition be granted, and the present assessors of the town of *Brookline*, or the assessors that shall be chosen at the next annual meeting legally holden at the said *Brookline*, as the case may require, the said assessors be, and hereby are empowered and directed to make out a warrant to the said *Ebenezer Davis*, requiring him to collect the rates that are due on the bill committed to him to collect in the year 1781, in hard money, according to the value thereof, established by the scale of depreciation, and pay the money into the treasury of the town of *Brookline*, within six months from the date of the warrant granted to the said collector ; any act or resolve to the contrary notwithstanding.

CLXXII.

Resolve on the petition of *William Hartshorne*, directing the Treasurer to deliver to the said *Hartshorne* notes for the payment of *Isaac Walton's* wages.
March 18, 1785.

On the petition of *William Hartshorne*, setting forth, that his wife was sister and only heir to *Isaac Walton*, who engaged in the Continental army in the year 1777 ; and on the eighth day of *November, 1778*, the said *Isaac* died, as appears by Colonel *Crane's* return ; and that on the third day of *August, 1783*, an order was forged, purporting to be under the hand of the said *Isaac*, and presented to the Treasurer (by one *Stephen Thayer*) for payment of the aforesaid *Isaac's* wages, and was accepted and paid accordingly, by which means the said *William* hath been defrauded : Therefore,

Resolved,

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed to make out and deliver to the aforesaid *William Harisborne*, notes, in the same manner, and for the same sum, as if no notes ever had been issued for the payment of the aforesaid *Isaac Walton's* wages; provided the said *William* shall produce sufficient vouchers that his wife is the only legal heir to the said *Isaac*.

CLXXIII.

Resolve on the petition of *Phineas Parker* and *Lydia*, his wife, empowering the Judge of Probate for the county of *Middlesex* to appoint a committee to make partition of the lands and buildings mentioned. *March 18, 1785.*

On the petition of *Phineas Parker, jun.* and *Lydia*, his wife, administratrix on the estate of *Ebenezer Daman*, late of *Reading*, in the county of *Middlesex*; deceased, and *Thomas Daman*, of the said *Reading*, setting forth, that the said *Ebenezer* and *Thomas*, in the life-time of the said *Ebenezer*, purchased certain lands and buildings in equal halves; and that it so happened that the said *Ebenezer* took a deed of the whole in his own name, and that it still remains unsettled;—therefore pray, that the Judge of Probate for the said county of *Middlesex* may be empowered to make partition of the said lands and buildings between the heirs of the said *Ebenezer Daman* and the said *Thomas Daman* in equal halves: Therefore,

Resolved, That the prayer of the said petition be so far granted, that the Judge of Probate for the county of *Middlesex*, be, and he hereby is empowered to appoint a committee to make partition of the abovesaid lands and buildings, in equal halves, between the heirs of the said *Ebenezer Daman*, deceased, and the said *Thomas Daman*; and to make record of this resolve, with his doings thereon; which doings shall be a good title to the said *Thomas*.

CLXXIV.

Resolve on the petition of *Samuel Lee*, allowing him *seven pounds two shillings and eleven pence*, which appears to be due on the roll of Captain *Ephraim Stearnes*. *March 18, 1785.*

On the petition of *Samuel Lee*, representing, that he served three months in the Continental army in the year 1780, in the service of this State, and praying allowance for the same; and it appearing to this Court that the same has been paid to *John Lee* by mistake: Therefore,

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to the said *Samuel Lee*, or order, the sum of *seven pounds two shillings and eleven pence*, which appears to be still due on the roll of Captain *Ephraim Stearnes*, which will be in full for the said service.

CLXXV.

Resolve on the petition of *Asa Drury*, authorizing *Josiah Stone*, Esq; and others, guardians of the *Indians* mentioned, to consider the value of the money paid, and value of land sold to *Boden* and *Drury*; and directing the appropriation. *March 18, 1785.*

The guardians of the *Natick Indians*, to whom was committed the petition of *William Boden* and *Asa Drury*, report, that they find the facts to be as follow, *viz.*

In *March, 1780*, *William Boden* bought twenty-five acres of *Indian* land for one thousand two hundred and thirty pounds, paper money, which, by the scale, is thirty-two pounds thirteen shillings, specie. The said guardians judge the said land to be worth about forty shillings an acre. Part of the money was applied to purchase other lands; the rest, we suppose, is spent.

Asa Drury has bought two pieces of land of the said *Indians*, viz. nineteen acres at two thousand one hundred and ninety-seven pounds ten shillings, December, 1780, in specie twenty-nine pounds six shillings, worth about forty shillings per acre. Also, eight acres more, at ten pounds six shillings, specie, valued by the said guardians at twelve pounds. How the money has been applied is uncertain. All which is submitted.

JOSIAH STONE, *per order.*

In S E N A T E, *March 18, 1785.*

Read and accepted, and

Resolved, That *Josiah Stone*, Esq; *Captain Eleazer Kingsbury* and *Captain Joseph Twitchel*, who are the guardians of the said *Indians*, be, and hereby are fully authorized and empowered to consider the value of the money paid to, and the value of the land sold by, the said *Indians*, to the said *Boden* and *Drury*, together with other circumstances attending the said sales; and upon the said *Boden* and *Drury's* complying with terms consistent with justice, the guardians afore-named, are hereby directed to confirm the said deeds to the said *Boden* and *Drury*, by signing their consent to the same; which being done, the said deed shall be as valid in law as the same would have been if there had been no impediment in law to the same deeds. And they, the said guardians, are directed to appropriate the monies they may receive in consequence of the foregoing resolve, to and for the use of the *Indian* or *Indians* to whom the same of right by law belongs; and to account with the General Court agreeable to law.

CLXXVI.

Resolve on the petition of *Lemuel Burrell*, of *Cambridge*, to serve *David Sanderfon* with a copy of his petition and order thereon, to shew cause, and staying execution in the mean time. *March 18, 1785.*

On the petition of *Lemuel Burrell*, setting forth, that *David Sanderfon*, of *Petersham*, had obtained a judgment of Court for three hundred and one pounds eleven shillings against the said *Lemuel*, by accident; and praying that he may re-enter his action against said *Sanderfon*, as mentioned in the said petition:

Resolved, That the said *Lemuel Burrell* serve the said *David Sanderfon* with an attested copy of his petition, with this order of Court thereon, fourteen days before the next sitting of the General Court, that he shew cause on the second Wednesday of the said next sitting of the General Court, (if any he hath) why the prayer of the said petition should not be granted; and that the execution in favour of the said *Sanderfon* against the said *Burrell*, be stayed in the mean time.

CLXXVII.

Resolve on the petition of *George Makepeace*, directing the delivery of a quantity of cocoa seized by the collector of excise in *Suffolk* county. *March 18, 1785.*

On the petition of *George Makepeace*, representing that a considerable quantity of cocoa belonging to him has been seized by the collector of excise for

the county of *Suffolk*, occasioned wholly by the ignorance of the person who purchased the same for him, and the waggoner who was to convey it from the State of *Rhode-Island* not knowing the law respecting dutied articles; and praying the consideration of this Court:

Resolved, That the prayer of the said petition be so far granted, as that the said cocoa be delivered to him by the collector of excise, he first satisfying the said collector for his part of the forfeiture, and paying the duties thereon, and all the cost and charges which have arisen on the prosecution of the same, together with the fees which by law accrue to the collector for seizing the same.

CLXXVIII.

Resolve on the petition of *George Grouce*, granting him *forty pounds sixteen shillings and four pence*, in consolidated notes. *March 18, 1785.*

On the petition of *George Grouce*, of *Brunswick*:

Resolved, That there be paid out of the treasury of this Commonwealth to the petitioner, the sum of *forty pounds sixteen shillings and four pence*, in consolidated notes, to be dated *February 1, 1785*, with interest added to said notes, from *January 1, 1781*, in full consideration of notes belonging to him which were drawn out of the treasury by another person of the same name, belonging to *Beverly*.

CLXXIX.

Resolve granting *three hundred pounds* to the committee appointed on the subject of the unappropriated lands in the county of *Lincoln*. *March 18, 1785.*

Resolved, That there be paid out of the treasury of this Commonwealth to *Samuel Phillips, jun. Nathaniel Wells and Nathan Dane, Esq's.* a committee appointed on the *28th October, 1783*, on the subject of unappropriated lands in the county of *Lincoln*, *three hundred pounds*, to enable them further to prosecute the business assigned them; the said committee being accountable for the said sum.

CLXXX.

Resolve directing the Treasurer, where he has issued new securities to soldiers in the late Continental army, for their pay, which has been obtained by forged orders, to publish the number, date, &c. of the securities, and to whom payable, and to pay no interest, and to furnish the Attorney-General with the papers, &c. and giving a bounty of *thirty pounds* upon information of any person offending as mentioned. *March 18, 1785.*

Whereas it is represented to this Court, that sundry persons have fraudulently obtained of the Treasurer of this Commonwealth securities of this government, for pay and wages due to the late soldiers of this State, in the army of the United States; and justice requires that where it is clearly ascertained that any soldier hath been thus defrauded, new notes should be issued, and measures should be taken to detect the aforesaid fraud:

Resolved, That in all cases where the Treasurer of this Commonwealth has been, or shall be directed to issue new securities to soldiers in the late Continental

mental army for their pay and wages, which may have been obtained by forged orders, he shall immediately cause to be published the number, date and amount of the securities, and to whom payable, in order that the person who may have thus obtained the securities, may be detected; and the Treasurer is hereby directed to pay no interest on such securities until the further order of the General Court; and he is hereby further directed to furnish the Attorney-General with all papers necessary to detect the fraud aforesaid.

And it is further resolved, That whoever shall give information of any person or persons offending as aforesaid, so that he or they shall be thereof convicted, shall be entitled to receive, out of the treasury of this Commonwealth, the sum of *thirty pounds.*

CLXXXI.

Resolve directing the Treasurer to pay Mr. *Samuel Page* for a former session omitted. *March 18, 1785.*

Whereas it appears that *Samuel Page*, a Representative from *Salem*, was omitted in the pay-roll for the year 1783:

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed to pay the said *Samuel Page* for his travel one session, and for thirty-eight days attendance in the said year.

CLXXXII.

Resolve joining *Rufus King*, Esq; to the commissioners for supporting the claim of the Commonwealth to lands west of *Hudson's-River*, and requesting the Governor to commission him. *March 18, 1785.*

Resolved, That *Rufus King*, Esq; be, and he hereby is appointed an agent on the part of this Commonwealth in addition to *John Lowell*, *James Sullivan* and *Theophilus Parsons*, Esq's. to prosecute the business of the claim of the Commonwealth to the western territory before the federal Court, instituted for the purpose of hearing and determining the controversy between this Commonwealth and the State of *New-York*; and that the Governor be, and he hereby is requested to grant him a commission for that purpose.

CLXXXIII.

Resolve entitling *Jerathmeel Doty* to one-third pay as a marine, from the 1st of *April, 1783*, until further order. *March 18, 1785.*

On the representation of *John Lucas*, commissary of pensioners, in behalf of *Jerathmeel Doty*, a marine on board the Continental frigate *Alliance*, who was shot through the body with a musquet ball while in the service of the United States:

Resolved, That the said *Jerathmeel Doty* be intitled to receive one-third part of pay as a marine, from the first day of *April*, one thousand seven hundred and eighty-three, till the further order of the General Court or Congress.

CLXXXIV.

Resolve on the petition of *William Lithgow*, Esq; directing the Treasurer not to issue his executions against several towns in the county of *Lincoln*, for their deficiencies in procuring men and beef, until the end of the next sitting of the General Court. *March 11, 1785.*

Whereas

Whereas this Court hath considered the petition of *William Lithgow, junior*, Esq; in behalf of the inhabitants of the county of *Lincoln*, praying that they may be exempted from paying the taxes required of them for their proportion of the three years men for the army, and for their deficiencies in procuring beef, and hath not seen fit to grant the prayer of the said petition: And whereas it would involve the said inhabitants in great distress, should they be compelled instantly to pay the said taxes: Therefore

Resolved, That the Treasurer of this Commonwealth be, and hereby is directed not to issue his executions against the towns of *Pownalborough, Topsham, Bath, Georgetown, Woolwich, Winslow, Bowdoinham and Winthrop*, all in the county of *Lincoln* aforesaid, for their deficiencies in procuring men and beef, until the end of the next sitting of the General Court; any resolve to the contrary notwithstanding.

CLXXXV.

Resolve on the petition of *James Lovell*, Esq; directing the Treasurer to renew certain notes, amounting to *four hundred sixty-two pounds four shillings and seven pence*; and to require sufficient bonds previous to his renewing the same. *March 18, 1785.*

On the petition of *James Lovell*, Esq; and *William Scott*, representing, that on the night of the twenty-third of *November* last, the dwelling-house of the said *Lovell* was burglariously broken upon, and a number of consolidated notes stolen therefrom, the property of the said *Lovell* and *Scott*;—that the perpetrators of the said theft have been convicted thereof before the Supreme Judicial Court, and praying the same may be renewed; and it appearing that the said notes have been destroyed: Therefore,

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed to renew the following notes to the said *Lovell* and *Scott*, viz.—

No.	Date.	Time payable.	In whose favor.	Amount.
2320	1st Jan. 1782,	1st Jan. 1784,	<i>John Scott,</i>	£.15 2 3
2322	Ditto,	Ditto, 1786,	Ditto,	15 12 3
2773	Ditto,	Ditto, 1784,	<i>Joseph Chamberlain,</i>	19 4 11
3062	Ditto,	Ditto, 1785,	Ditto,	19 4 11
2883	Ditto,	Ditto, 1786,	Ditto,	19 4 11
2795	Ditto,	Ditto, 1784,	<i>Thomas Lawrance,</i>	10 0 5
3081	Ditto,	Ditto, 1786,	<i>William Clarke,</i>	17 2 5
11571	1st Feb. 1783,		<i>James Horsely,</i>	50 0 0
11572	Ditto,		Ditto,	50 0 0
11573	Ditto,		Ditto,	50 0 0
9311	1st Jan. 1783,		<i>James Lovell,</i>	192 11 6
20529	1st April 1784,		Ditto,	3 11 0
				£.462 . 4 7

Amounting in the whole to *four hundred sixty-two pounds four shillings and seven pence*. And the Treasurer is further directed to require a good and sufficient bond or bonds of the said *Lovell* and *Scott*, previous to his renewing the said notes as aforesaid, to indemnify the Commonwealth against any demands that may arise from any person or persons, by virtue of the notes destroyed as aforesaid.

CLXXXVI.

Resolve indemnifying any gentleman who shall become bound for one of the Treasurers of the United States, belonging to this Commonwealth, appointed *January 25th* last. *March 18, 1785.*

Resolved, That in case any sufficient persons, in the opinion of the United States in Congress assembled, shall become sureties for the gentleman, a citizen of this Commonwealth, who, on the 25th of *January* last, was elected one of the commissioners to constitute a Board of Treasury of the United States, in the sum, and for the purposes mentioned in the resolution of Congress, of *February 3, 1785,* this Commonwealth will fully indemnify and save harmless the persons who shall become so bound, from any cost and expence on account of their giving bonds as aforesaid.

CLXXXVII.

Resolve on the petition of *Mary Eaton* and *Charles Eaton*, of *Reading*, empowering the Judge of Probate to make an alteration in the estate mentioned. *March 18, 1785.*

On the petition of *Mary Eaton* and *Charles Eaton*, of *Reading*, in the county of *Middlesex*, praying the Judge of Probate for the said county may be empowered to make an alteration in the settlement of the estate of *Joshua Eaton*, late of the said *Reading*, deceased:

Resolved, That the Judge of Probate for the said county be, and he is hereby empowered to make such alteration in the settlement of the estate of the said *Joshua Eaton*, as to him shall appear most to the advantage of the heirs to the said estate; observing the rules by law in such cases made and provided; his having passed his decree thereon notwithstanding.

CLXXXVIII.

Resolve on the petition of *Enoch Hammond*, and others, agents for the town of *Rochester*, directing the Treasurer to receive the balance due from said town for beef, in two requisitions of the General Court, in the money of the new and old emission. *March 18, 1785.*

On the petition of *Enoch Hammond*, and others, agents for the town of *Rochester*, praying that the Treasurer of the said town of *Rochester* may be allowed to pay into the treasury of this Commonwealth, a certain sum of the new-emission and old Continental money, the same being the balance due from the said town of *Rochester*, upon two requisitions of the General Court, for beef, for reasons set forth in their petition:

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed to receive of the Town-Treasurer of the said town of *Rochester*, in the county of *Plymouth*, the balance due from the said town for beef, in the two requisitions of the General Court, in money of the new-emission and old Continental money, at the same rate that the like monies were received for beef in *June, 1781.*

CLXXXIX.

Resolve authorizing the Governor and Council to draw warrants in favour of the Delegates representing this State in Congress, who shall apply for the same, not exceeding *two hundred pounds.* *March 18, 1785.*

Resolved, That until the next sitting of the General Court, the Governor of this Commonwealth be, and he is hereby authorized and empowered, with the advice of Council, to grant a warrant on the treasury of this Commonwealth, in favour of any of the Delegates who are appointed to represent this State in Congress, (who may apply therefor) for a sum not exceeding *two hundred pounds* to each of them; they to be accountable for the sums they shall respectively receive.

CXC.

Resolve directing the Secretary to publish the militia law, and deliver seven hundred copies to the adjutant-general. *March 18, 1785.*

Resolved, That the Secretary be, and he hereby is directed to procure seven hundred printed copies of the militia law, passed this session, and deliver them to the adjutant-general, in order that the several militia officers in the Commonwealth may be furnished therewith.

CXCI.

Resolve on the petition of *Benjamin Pierpoint*, empowering him to proceed in the settlement of the estate mentioned. *March 18, 1785.*

On the petition of *Benjamin Pierpoint*, representing, that he and his brother, *William Pierpoint*, were appointed executors to the will of their brother, *Mr. Ebenezer Pierpoint*, late of *Roxbury*, deceased, by the said deceased's last will and testament: That soon after their entering on the business of their said appointment, his said brother *William* died also; and praying to be empowered to proceed in the settlement of the said estate: And it appearing to this Court to be the desire of all the lawful heirs of the said *Ebenezer Pierpoint*, that the said *Benjamin Pierpoint* should proceed in the settlement of the said estate, agreeable to the last will and testament of the said testator: Therefore,

Resolved, That the said *Benjamin Pierpoint* be, and he is hereby empowered to proceed in the settlement of the estate of the said *Ebenezer Pierpoint*, in the same manner the said executors were authorized to do by the last will and testament of the said *Ebenezer Pierpoint*; the said *William Pierpoint* being deceased notwithstanding.

CXCII.

Resolve on the petition of the town of *Paxton*, abating a fine laid on said town; and directing the Treasurer to credit the same. *March 18, 1785.*

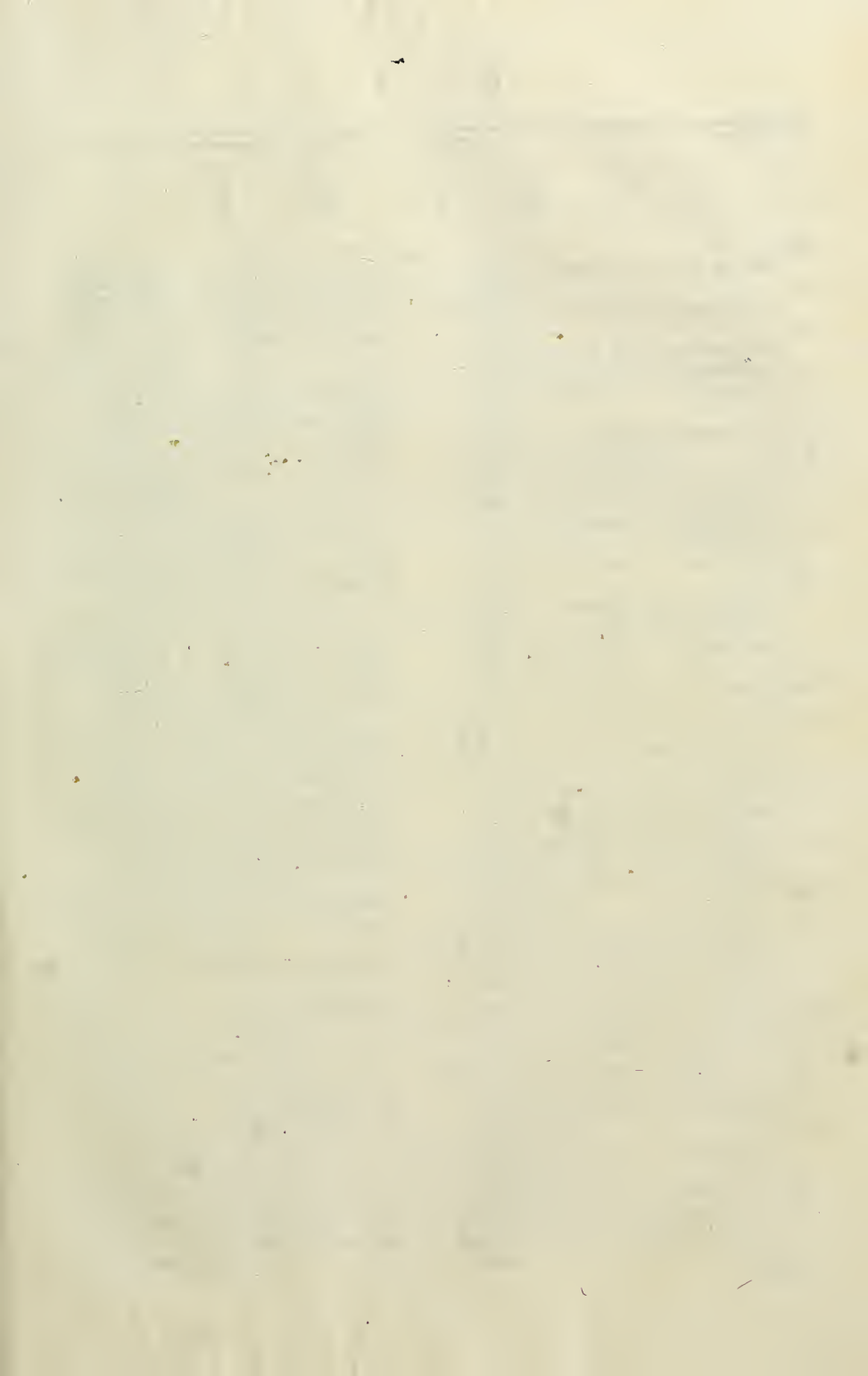
On the petition of the town of *Paxton*, praying for abatement of the fines layed on them for not sending two men into the army for three years:

Resolved, That the town of *Paxton* be abated the fine for one man, being *one hundred and twenty-eight pounds nine shillings and six pence*: And the Treasurer is hereby directed to credit the said town of *Paxton* for the above sum in the State tax for 1783.

B O S T O N :

PRINTED BY ADAMS AND NOURSE,

Printers to the Honorable GENERAL COURT.



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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-Fifth Day of *May*, *Anno*
Domini, 1785.

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Printers to the Honorable GENERAL COURT.

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Begun and held at *Boston*, in the County of *Suffolk*,
on Wednesday the Twenty-Fifth Day of *May*,
Anno Domini, 1785.

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I.

Resolve on the petition of *Gideon Clarke*, jun. and others, of *West-Hampton*, empowering the Selectmen to call a meeting for the purpose mentioned. *May 31, 1785.*

ON the petition of *Gideon Clarke*, jun. and others, inhabitants of the town of *West-Hampton* :

Resolved, That the Selectmen of *West-Hampton*, for the year 1784, shall be, and they are hereby empowered to call a meeting for the purpose of choosing town officers for the present year ; and the officers so chosen shall have the same authority they would have had, in case they had been chosen in the month of *March* last,—any law to the contrary notwithstanding.

II.

Resolve on the petition of *Oliver Witt*, authorizing *Levi Lincoln*, Esq; to receive a bond, with sureties, for such sums as may appear due on the execution mentioned. *May 31, 1785.*

On the petition of *Oliver Witt*, praying a release from his present confinement in the *Worcester* goal, on an execution in favour of this Commonwealth :

Resolved, That the prayer of the petition be granted, and *Levi Lincoln*, Esq; is hereby authorized and empowered to receive of the aforesaid *Oliver Witt*, a bond, with two good and sufficient sureties, in behalf of this Commonwealth, payable in one year from the date thereof, with interest for the same, for such sum as may appear to be due on said execution, and is directed to lodge the said bond in the Secretary's office, in full discharge of said execution, provided the said *Oliver* shall pay all the costs that have arisen or may arise, in consequence of the aforesaid suit.

III.

Resolve directing the Commissary-General to supply the Hon. *Samuel Phillips* and others, a committee on unappropriated lands, with certain articles. *June 2, 1785.*

Resolved, That the Commissary-General of this Commonwealth, be, and he hereby is directed to deliver to *Samuel Phillips*, jun. *Nathaniel Wells* and *Nathan Dane*, Esq's. a committee on the subject of unappropriated lands in the county of *Lincoln*, appointed by a resolve of Court of the 28th of *October*, 1783, or to their order, the following articles, *viz.* seven barrels of pork, four barrels of beef, eighteen pounds of candles, four axes, four hatchets, nineteen canteens and twenty pounds of soap, for the use of the surveyors and chainmen to be employed in that county the present year, the said committee to be accountable for the same.

IV.

Resolve on the petition of *Silas Paul*, and other *Gay-Head Indians*, appointing guardians over them. June 3, 1785.

On the petition of *Silas Paul* and other *Indians*, inhabitants and proprietors of lands at *Gay-Head*, or *Martha's-Vineyard*, praying that guardians may be appointed over them :

Resolved, That *James Athearn*, Esq; *Mr. Simon Mayberry, jun.* and the *Rev. Zachariah Howwofwe*, be, and they hereby are authorized and appointed guardians to the said *Indians* at *Gay-Head*, and that they govern themselves agreeable to the law in that case made and provided.

V.

Resolve on the petition of *J. Witherell*, directing the Treasurer to discharge him the sum mentioned, and to add to the next tax, for the town of *Lebanon*, the said several sums. June 4, 1785.

Whereas the General Court of this Commonwealth, by a resolve of the 21st of *February*, *A. D.* 1784, authorized and impowered the Court of General Sessions of the Peace, within and for the county of *York*, upon application to them made by any of the inhabitants of a place (then called) *Shapleighton*, in said county, at or before their sessions in *October*, then next, to abate to him or them so applying, the whole, or such proportion of his or their taxes assessed on them respectively by the town of *Lebanon*, as adjacent, that was committed to *James Witherell* and *Joshua Pray*, to collect, as said sessions might judge equitable.

And whereas it appears to this Court, that said Court of General Sessions of the Peace, at their said sessions, did abate to said inhabitants, the sum of thirteen pounds eleven shillings and four pence, on the assessments committed to said *Witherell* as aforesaid, and also the sum of ninety three pounds six shillings, on the assessments committed to said *Pray* as aforesaid.

And whereas there were no provision made in said resolve, to empower the Treasurer of this Commonwealth to credit or discharge said Collectors the amount of said abatements : Therefore

Resolved, That the Treasurer of this Commonwealth be, and hereby is directed, to credit or discharge said *Witherell*, the aforesaid sum of thirteen pounds eleven shillings and five pence, and said *Pray* the aforesaid sum of ninety-three pounds six shillings, agreeable to said abatements, in part of the taxes they were to collect as aforesaid, and pay said Treasurer.

And it is further Resolved, That said Treasurer be, and he hereby is directed to add to the next tax for the town of *Lebanon*, in addition to said town's ordinary proportion of what may be assessed upon the people of this Commonwealth, by the General Court, the several sums aforesaid, amounting in the whole to the sum of one hundred and sixty pounds, seventeen shillings and five pence, agreeable to the first mentioned resolve.

VI.

Resolve on the petition of *John Jenks*. *June 4, 1785.*

On the petition of *John Jenks*, of *Smithfield*, in the State of *Rhode-Island*, praying a judgment obtained against him at a Court of Common Pleas, held at *Pittsfield*, in and for the county of *Berkshire*, for five hundred pounds, in an action of trespass in the case brought against him by *Samuel Miller*, of *Adams*, in the county of *Berkshire*, and *Caleb Hill*, of *Swanzey*, in the county of *Bristol*, may be set aside, and a new trial ordered thereon, for reasons set forth in his said petition :

Resolved, That the above described judgment be, and hereby is reversed and declared to be null and void ; and that a new trial shall be had on the above described case, at the next Court of Common Pleas, to be held at *Great-Barrington*, in and for the county of *Berkshire*, on the second Tuesday of *September* next ; and that the Justices of the same Court are hereby empowered and directed, to hear and determine the same, in all respects, as they should, or ought to do if the same case was regularly depending by continuance in the said Court, and that all execution on the aforementioned judgment be stayed, and that the said *John Jenks*, serve the said *Samuel Miller* and *Caleb Hill*, or their attornies, with an attested copy of this resolve, fourteen days before the sitting of said Court at *Great-Barrington*.

VII.

Resolve on the petition of *Calvin Partridge*, of *Duxbury*, empowering the assessors to issue a warrant for the bills mentioned, and to collect the town rates committed to him. *June 4, 1785.*

On the petition of *Calvin Partridge*, of *Duxbury*, in behalf of said town, praying that the present assessors of the town of *Duxbury*, may issue a warrant to *Abner Dingley*, on his town rate bills, committed to him as Collector for the year one thousand seven hundred and eighty-two, to enable him to compleat his collections :

Resolved, That the prayer of the petition be granted, and that the present assessors of the town of *Duxbury*, be empowered and directed to issue a warrant on the bills that were committed to the said *Abner Dingley*, for the year one thousand seven hundred and eighty-two, as Collector, impowering him to collect the town rates committed to him, and to compleat his collections.

VIII.

Resolve pensioning *Edmund Locke*. *June 4, 1785.*

On the representation of *John Lucas*, Esq; Commissary of Pensioners, in behalf of *Edmund Locke*, a private in the fourth *Massachusetts* regiment, in Capt. *William Moor*'s company, who received a wound in his leg by the fall of a tree, while in the service of the *United States of America*, and continued in the same service, until the 9th day of *June, 1783* :

Resolved,

Resolved, That the said *Edmund Locke*, be intitled to one quarter pay from the 9th day of *June* aforesaid, which was the time of his discharge, until the further order of the General Court, or the Congress of the United States.

IX.

Resolve on the petition of *John Chandler Williams*, empowering the Judge of Probate of *Worcester* county, to appoint Commissioners to examine the claim mentioned. *June 4, 1785.*

On the petition of *John Chandler Williams*, praying that the Judge of Probate for the county of *Worcester*, may be empowered to appoint Commissioners to examine his claim against *John Chandler*, late of *Worcester*, absentee, for reasons mentioned in said petition :

Resolved, That the prayer of the said petition be so far granted, that the Judge of Probate for the county of *Worcester*, be, and he hereby is authorized and empowered to appoint Commissioners to examine the claim of *John Chandler Williams*, against *John Chandler*, late of *Worcester*, absentee ; and in case the said claim shall be allowed by the said Commissioners and approved of by the said Judge of Probate, the same shall be paid out of that part of the said *Chandler's* estate, that was set off for his wife's dower, after the expiration of two years from the eleventh day of *February 1785*, that being the term that the children of the said *John Chandler*, are intitled to the income and improvement of the said estate, by an order of the General Court of the 11th of *February* last.

X.

Resolve on the petition of *Nathaniel Kingaby*, Esq; in behalf of the town of *Becket*, discharging them from a sum of money, *June 7, 1785.*

On the petition of *Nathaniel Kingaby*, Esq; in behalf of the town of *Becket*, praying that the said town may be abated the sum of thirty-six pounds seventeen shillings and six pence, laid on the plantation of No. 4, now *Becket*, in the year 1764 :

And whereas it appears to this Court that on the eleventh day of *June, 1765*, an order passed the General Court then sitting, to remit the above-mentioned sum to the said plantation ; but the Treasurer not being directed to discharge the said plantation No. 4, of the above said sum, the order was not carried into execution :

Therefore resolved, That the Treasurer of this Commonwealth, be, and he hereby is directed to discharge the town of *Becket*, of the sum of thirty-six pounds seventeen shillings and six pence, with which they stand charged on the books of the late Treasurer *Harrison Gray*, Esq;

XI.

Resolve on the petition of *Ephraim Spooner* and *Joshua Thomas*, in behalf of the town of *Plymouth*, directing the Treasurer to issue his orders in this case, and appointing *Capt. Ebenezer Washburn* in conjunction, to see the business carried into execution, June 10, 1785.

On the petition of *Ephraim Spooner* and *Joshua Thomas*, in behalf of the town of *Plymouth* :

Whereas the town of *Plymouth* have been so empoverished by the late war, as to render them unable to repair the injury done to their beach, by excessive high tides, as set forth in the petition, and as it appears that unless the breaches made in the said beach are soon repaired, the town will entirely loose its navigation, and such ships as may be in this bay, will be greatly exposed in severe storms for want of shelter in that harbour : Therefore

Resolved, That the sum of five hundred pounds shall be allowed to the town of *Plymouth*, out of their next tax to this Commonwealth, on condition that the said town of *Plymouth*, engage to advance at their own expence, a like sum, to be equally employed for the purposes aforesaid and agreeable to the following resolve.

Resolved, That *Captain Ebenezer Washburn*, be appointed by this General Court, to join such persons as may be appointed by the said town of *Plymouth*, to see this business fairly and fully carried into execution, and to keep true and just accounts of the expenditure of the monies aforesaid, and to be answerable to the Treasurer for this State's proportion of the surplus, (if any there be) after compleating the said work, and upon the said committee's giving sufficient bonds for the executing this business, the Treasurer of this Commonwealth is hereby authorized, to credit the town of *Plymouth*, the sum of five hundred pounds, in their next tax to this Commonwealth, aforesaid.

XII.

Resolve on the petition of *Timothy Walker*, jun. in behalf of himself and associates, allowing a further time for performing the conditions of a grant of a tract of land of *February 3, 1774.* June 9, 1785.

On the petition of *Timothy Walker*, jun. in behalf of himself and associates, praying that further time may be allowed them for performing the conditions of a grant made by the General Court of the late province of *Massachusetts-Bay*, *February 3, 1774*, of a tract of land seven miles square, on both sides of *Androskoggan-River*, and easterly of, and adjoining to *Sudbury-Canada*.

Resolved, That there be further allowed to the proprietors of the aforesaid tract of land, two years from this time, to perform and fulfill the conditions of settlement originally annexed to the said grant.

XIII.

Resolve on the memorial of *Samuel Endicot*, of *Danvers*, to notify *Timothy Patch*, to shew cause, &c. and execution be stayed in the mean time. June 9, 1785.

On the petition of *Samuel Endicot* :

Read, and thereupon Resolved, That the memorialist notify the said *Timothy Patch*, by serving him with an attested copy of this memorial and resolve thereon, at least fourteen days before the second Wednesday of the next sitting of the General Court, to shew cause (if any he hath) on the said day, why the prayer of the said petition should not be granted, and that execution be stayed in the mean time.

XIV.

Resolve on the petition of the town of *Eastham*, in *Barnstable* county, directing the Treasurer to stay his execution against said town, until the next session. *June 9, 1785.*

On the memorial and petition of the town of *Eastham*, in the county of *Barnstable*, praying for further abatements of their taxes, for reasons therein set forth :

Resolved, That the prayer thereof, be so far granted, that the Treasurer of this Commonwealth be, and is hereby directed to stay his execution against the said town of *Eastham*, till the next session of the General Court.

XV.

Resolve pensioning *Paul Brown*. *June 10, 1785.*

On the representation of *John Lucas*, Commissary of Pensioners, in behalf of *Paul Bown*, late a soldier in Col. *Alden's* regiment, and Capt. *Mainard's* company, whose arm was broke whilst in the service of the *United States*, and by which misfortune, he has in a great measure lost the use of it :

Resolved, That the said *Paul Brown*, be entitled to one quarter part of pay as a soldier, from *June* the 20th, 1783, until the further orders of the General Court, or of Congress.

XVI.

Resolve requesting *William Imlay*, Esq; Commissioner, to give his attendance at *Boston*, for purposes mentioned. *June 10, 1785.*

Whereas by a resolve of Congress of *June 3, 1784*, it is made the duty of the Commissioner of the *United States*, appointed for examining and allowing the accounts of this State, against the said *United States*, to attend in such counties or districts, as he shall by the Legislature, be requested to give his attendance in ;—and as it appears to this Court, that the immediate attendance of the said Commissioner at *Boston*, is highly necessary for the saving of expence, and expediting the settlements of accounts with this State, and doing the same in a reasonable time : Therefore

Resolved,

Resolved, That *William Imlay*, Esq; the Commissioner for this State, be, and he is hereby requested to give his immediate attendance at *Boston*, for the purposes aforesaid, and that the Secretary be directed without delay, to transmit to the said *Imlay*, a copy of this resolve.

XVII.

Resolve on the petition of *Elijah Smith* of *Cbilmark*, directing the Treasurer to credit said town, three hundred and ninety pounds in old Continental currency. *June 10, 1785.*

On the petition of *Elijah Smith* of *Cbilmark*, in *Dukes-County*, setting forth that he was chosen Collector of taxes for said town, for the year 1777, and had lists of the State tax committed to him (for the same year) amounting to nine hundred and ninety pounds, eleven shillings and three pence, and that he had collected thereon, about three hundred and ninety pounds, which was taken from him (together with his lists and warrants) by a *British* officer, who carried them off:

Resolved, That the Treasurer be, and he hereby is ordered and directed to credit the said *Elijah Smith*, the sum of three hundred and ninety pounds of the old Continental money, on account of said tax, and to suspend issuing his execution for the residue thereof, until the next sitting of the General Court.

XVIII.

Resolve on the petition of *John Fessenden*, one of the committee for the sale of absentees estates, in *Worcester* county, granting *William Whittaker*, nine pounds seven shillings and five pence one farthing. *June 10, 1785.*

On the petition of *John Fessenden*, one of the committee for the sale of absentees estates, in the county of *Worcester*, in behalf of *William Whittaker*, setting forth that said committee did receive of said *Whittaker*, in discharge of a mortgage deed, by him given to *John Murray*, Esq; an absentee, compound interest, and praying that the same may be repaid to the said *William Whittaker*, for reasons set forth in said petition:

Resolved, That the prayer of the said petition be granted, and that there be allowed and paid out of the treasury of this Commonwealth, to the said *William Whittaker*, the sum of nine pounds seven shillings and five pence one farthing, in full of the amount of the compound interest of one hundred pounds, for the term of eight years and eight months, he giving his receipt for the same.

XIX.

Resolve on the petition of *Izreal Hutchinson*, Esq; in behalf of the town of *Danvers*, authorizing *Timothy Fuller*, to receive the taxes, and pay the same into the treasury. *June 11, 1785.*

On the petition of *Izrael Hutchinson*, in behalf of the town of *Danvers* :

Resolved, That *Timothy Fuller*, one of the Collectors of taxes for the town of *Danvers*, be, and hereby is fully authorized and empowered to demand and recover all such sums of money, contained in the list or lists of assessment committed to *Daniel Prince* to collect, which remain unpaid, and he the said *Timothy* being first sworn faithfully to discharge the said trust, is hereby fully empowered to serve and execute the same warrant or warrants, for collecting the said taxes that have been directed to the said *Daniel* for that purpose, as effectually as he the said *Timothy* might have done in case the same had been originally to him directed, so far as relates to the collecting the said taxes; and he the said *Timothy* shall pay the money as directed in said warrant, and the town of *Danvers* shall be held accountable for the same, in the same manner they were before the passing this resolve.

XX.

Resolve on the petition of *Ebenezer White*, appointing a committee to repair to the town of *Rochester*, and to view the lands mentioned. June 11, 1785.

On the petition of *Ebenezer White*, praying that a committee from this Court, may go and view the town of *Rochester*, and report their opinion as to the circumstances of the same :

Resolved, That the prayer of the petition be granted, and that *Setb Washburn*, *William Davis*, Esq's. and Mr. *Thomas Clarke*, be a committee to repair to said town, at the expence of the same, view the lands, &c. and report to this Court at their next session.

XXI.

Resolve on the petition of *Abiel Wood*, causing *Abraham Stevens* to be notified. June 11, 1785.

On the petition of *Abiel Wood*, praying for a re-hearing or trial, in an action brought against him by *Abraham Stevens*, also for staying execution in said cause, for reasons set forth in said petition :

Resolved, That the petitioner cause the said *Stevens*, to be served with an attested copy of the said petition, with this resolve, fourteen days at least, before the second Wednesday of the next sitting of the General Court, to shew cause (if any he hath) why the prayer of said petition should not be granted, and that said execution be stayed in the mean time.

XXII.

Resolve directing the committee for the sale of absentees estates, in the county of *Bristol*, to settle with *George Williams*. June 14, 1785.

Whereas

Whereas Col. *George Williams* hath brought his action against *Seth Williams*, which is now pending in the Court of Common Pleas, in the county of *Bristol*, and claims a right to nine acres of land, situate in *Taunton*, in said county, which was sold to the said *Seth Williams*, by the committee for the sale of absentees estates in the said county, as part of the estate of *John Borland*, an absentee; and it appearing that the title of the said *John Borland*, to the said land, is liable to great dispute, and as more expence may be incurred thereby, than the value of the land: Therefore,

Resolved, That the said committee for the sale of absentees estates, in the said county of *Bristol*, be, and they hereby are empowered to settle the same dispute with the said *George Williams*, by paying for the land, or in any other manner which they shall judge most for the advantage of this Commonwealth.

XXIII.

Resolve granting two thousand pounds in notes to Mrs. *Frances Shirley Western*, executrix to the will of *William Bollan*, Esq; deceased, for his services, as agent to the Council of the late Province, now Commonwealth of *Massachusetts*. *June 14*, 1785.

On the memorial of Mrs. *Frances Shirley Western*, sole heir of the late Hon. *William Bollan*, Esq; deceased, agent of the Council of the late Province of *Massachusetts-Bay*, and sole executrix of his late will and testament:

Whereas it appears to this Court, that the sum of two thousand pounds lawful money, is due to the estate of the said *William Bollan*, Esq; as agent of the Council of the late Province of the *Massachusetts-Bay*:

Resolved, That there be allowed, and paid out of the public treasury, to *Frances Shirley Western*, executrix as aforesaid, or to her order, the sum of two thousand pounds, in the manner following, that is to say, one fourth part thereof, on the twenty-second day of *February*, one thousand seven hundred and eighty-eight, one fourth part thereof, on the twenty-second day of *February*, one thousand seven hundred and eighty-nine, one fourth part thereof, on the twenty-second day of *February*, one thousand seven hundred and ninety, one thousand seven hundred and ninety-one; and the other fourth part thereof, on the twenty-second day of *February*, one thousand seven hundred and ninety-one, with interest for the same, to be paid annually, from the date hereof; and that the said sum so paid, shall be in full for the services of the said *William Bollan*, agent as aforesaid.

XXIV.

Resolve on the petition of *John Goddard*, in behalf of the town of *Brookline*, abating a fine laid on said town, for not sending a Representative for 1782. *June 15*, 1785.

On the petition of *John Goddard*, in behalf of the town of *Brookline*, praying for abatement of a fine laid on said town, for not sending a Representative to the General Court, for the year 1782; for reasons set forth in said petition:

E

Resolved,

Resolved, That the prayer of the petition be so far granted, that the sum of seventeen pounds twelve shillings and six pence, which is one half of said fine set against said town of *Brookline*, in the tax-act of *March, 1783*, be abated, and the Treasurer of this Commonwealth, is hereby directed to credit the town of *Brookline*, on the aforesaid tax, seventeen pounds twelve shillings and six pence, any act or resolve to the contrary notwithstanding.

XXV.

Resolve on the petition of *Thadeus* and *William Maccarty*, empowering the Judge of Probate for *Worcester* county, to appoint Commissioners to examine the claims on the estate of *John Chandler*. *June 15, 1785.*

On the petition of *Thadeus* and *William Maccarty* :

Resolved, That the prayer of their petition be so far granted, as that the Judge of Probate for the county of *Worcester* be, and he hereby is authorized and empowered, to appoint Commissioners to examine the claim of the said *Thadeus* and *William Maccarty*, against the estate of *John Chandler*, late of *Worcester*, absentee; and in case the said claim shall be allowed by the said Commissioners, and approved of by the said Judge, the same shall be paid out of that part of the said *Chandler's* estate, that was set off for his wife's dower, after the expiration of two years, from the eleventh day of *February, 1785*, that being the term for which the children of the said *John Chandler*, are entitled to the income and improvement of the said estate, by an order of the General Court, of the eleventh of *February* last.

XXVI.

Resolve granting the petition of *Ann Coshomon*. *June 15, 1785.*

On the petition of *Ann Coshomon*, an *Indian* woman of the town of *Chilmark*, in *Dukes-County*, praying for liberty to make sale of about ten acres of land, lying in the town of *Dartmouth*, for her support, she being old and needy :

Resolved, That the prayer of the petition be so far granted, that the Hon. *Walter Spooner*, Esq; be a committee to sell at public auction or private sale, the whole of said land, if it should not exceed fifteen acres, and to give a good deed or deeds of the same, and to deliver the net proceeds to the guardians of the *Indians* in the county of *Dukes-County*, the said guardians to be accountable to this Court for the expenditure of the proceeds of said land.

XXVII.

Resolve requesting the Governor to make communications to the delegates in Congress; to furnish them with acts and resolves, also to transmit to the Executive Authority of the respective States, such acts and doings, as his Excellency may judge proper, and to request the like of them. *June 18, 1785.*

Whereas regular information to the delegates representing this Commonwealth in Congress, is of great importance, and in some instances absolutely necessary :

Resolved, That his Excellency the Governor, with advice of Council, be, and he hereby is empowered and requested to make such communications to the said delegates for the time being, as he may think necessary or expedient, and to take measures, that they may be furnished with the acts and resolves of the General Court, for their information and government.

And whereas it may be equally expedient in many cases, that the acts and resolves of the Legislatures of the several States in the union, should be made known to each other, in order that a uniformity of measures may thereby be produced :

It is further Resolved, That his Excellency the Governor, be empowered and desired, to transmit to the Executive Authority of the respective *United States*, such acts and doings of this Commonwealth, as his Excellency may from time to time judge it necessary they should respectively be made acquainted with, and to request of them similar communications.

XXVIII.

Resolve on the petition of *Increase Sterns*, directing the Treasurer to issue a note, in lieu of one forged. June 15, 1785.

On the petition of *Increase Sterns*, representing that a forged order signed in his name, in favor of *William Hinds*, for delivery of depreciation notes, to the amount of fifty-two pounds, three shillings, specie value, due to him the said petitioner, for his service in the Continental army, was presented to the Treasurer of this Commonwealth, accepted, and the notes accordingly given, by which means he has been hitherto deprived of his just due,—and it appearing to this Court, that the facts set forth in the said petition, are justly stated :

It is Resolved, That the Treasurer be, and he is hereby directed to issue a note or notes, in favor of the said *Increase Sterns*, in such sum or sums, as shall appear to have been due to him at the time of the presentment of the said forged order, bearing date at said time, and in such manner and form as is by law prescribed.

XXIX.

Resolve pensioning *John M^cGoff*. June 15, 1785.

On the representation of *John Lucas*, Esq; Commissary of Pensioners, in behalf of *John M^cGoff*, a wounded seaman :

Resolved, That the said *John M^cGoff* be, and hereby is allowed half the pay of a seaman, from the thirtieth day of *March*, one thousand seven hundred and seventy-nine, to the further order of the General Court, or of Congress.

XXXI.

XXX.

Resolve on the petition of *Samuel Thuston*, keeper of the light-house on *Thatcher's* island, directing the Commissary-General to procure a boat and build a small barn, and granting him one hundred and fifty pounds. *June 15, 1785.*

On the petition of *Samuel Thuston*, keeper of the light-houses on *Thatcher's* island :

Resolved, That the Commissary-General be, and he hereby is empowered and directed to procure or build a small boat, and a small barn, for the use of said keeper, and make such repairs on the light-houses at said island, as may be found necessary, and that there be paid out of the treasury of this Commonwealth, to the said Commissary-General, the sum of one hundred and fifty pounds, for the purposes above mentioned, he to be accountable for the expenditure of the same.

XXXI.

Resolve on the petition of *Pool Spear*, directing the keeper of the goal in *Boston*, to discharge him therefrom. *June 16, 1785.*

On the petition of *Pool Spear*, a prisoner in the goal at *Boston* :

Resolved, That the prayer of the petition of *Pool Spear* be granted, and that the keeper of the goal at *Boston*, be, and he hereby is empowered and directed forthwith to liberate and discharge the body of the said *Pool Spear*, from his confinement, by virtue of an execution in favor of *Richard Cranch*, Esq; agent to the estate of *John Borland*, Esq; an absentee, late deceased,— and the said *Richard Cranch*, Esq; is hereby discharged from any demands of this Commonwealth, from the Judge of Probate for the county of *Suffolk*, which might arise to his damage, on account of the enlargement of the said *Pool Spear*.

XXXII.

Resolve on the petition of *John Smith*, directing the Treasurer to issue a new due bill, in lieu of one lost. *June 17, 1785.*

On the petition of *John Smith*, praying that the Treasurer may be directed to issue a new due bill, for the balance due on a due bill, said to be lost :

Resolved, That the prayer of the petition be granted, and that the Treasurer of this Commonwealth be directed to issue a new due bill for the sum of sixty-three pounds fifteen shillings and three pence, it being the balance due on said due bill, said to be lost, provided the said *John Smith* give sufficient security to the Treasurer of this Commonwealth, to re-pay the same, provided the due bill said to be lost, shall ever be found and demanded.

XXXIV.

Resolve pensioning *Jonas Blodget.* *June 17, 1785.*

On the representation of *John Lucas*, Commissary of Pensioners, in behalf of *Jonas Blodget*, a soldier in the fourth *Massachusetts* regiment :

Resolved, That the said *Jonas Blodget*, be intitled to half pay from the tenth day of *April, 1783*, until the further order of this Court or Congress.

XXXV.

Resolve directing the Treasurer to receive of the heirs of *Richard Derby*, Esq; deceased, one thousand three hundred and eighty-eight pounds, in government securities. *June 18, 1785.*

Whereas by a resolve of the General Court, of *October 4, 1782*, in settling public accounts with *Richard Derby*, Esq; a balance was allowed to him of one thousand three hundred and eighty-eight pounds, which he received in government securities ; and whereas it was afterwards found, that no such balance was due to the said *Derby* ; and as no order has been passed for the Treasurer of the Commonwealth to receive said balance :

Therefore Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed to receive the aforesaid securities, amounting to one thousand three hundred and eighty-eight pounds (or others to that amount; of as early date) from the heirs of *Richard Derby*, Esq; (since dead) his executors or administrators, he giving duplicate receipts for the same, one of which to be lodged in the Secretary's office.

And it is further Resolved, That if any interest has been paid on the said securities, that the said heirs, executors or administrators, repay the same to the Treasurer, taking duplicate receipts as aforesaid.

XXXVI.

Resolve on the petition of *Sylvanus Shaw* and *Samuel Thomas*, directing the Treasurer to pay the sums mentioned in their roll, for services in 1781. *June 18, 1785.*

On the petition of *Sylvanus Shaw* and *Samuel Thomas*, praying they may be paid for three months service in the army, in the year 1781, which wages have been drawn by fraudulent orders :

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed to pay to *Sylvanus Shaw* and *Samuel Thomas*, the sums they are respectively made up for, in the pay roll of the regiment to which they belonged, when in the three months service in the year 1781, their wages being paid on a fraudulent order notwithstanding.

XXXVII.

Resolve on the petition of *George Strout*, empowering the Treasurer to credit him for taxes in 1778, for which he was credited in 1779, and to adjust his account. June 20, 1785.

On the petition of *George Strout* :

Resolved, That the Treasurer be, and he hereby is empowered and directed, to place to the credit of the said *George Strout*, in his account for taxes for the year 1778, the sum of five hundred and thirty-three pounds seven shillings, being the sum for which he was credited in his account for taxes for the year 1779; and that the accounts of the said *George Strout*, for taxes for the years 1778 and 1779, be adjusted and settled, in the same manner as if the said credit had been given as herein directed, at the time of the payment of the sum aforesaid for taxes for the said year 1778, and not for the year 1779.

XXXVIII.

Resolve on the petition of *John Vinton*, to notify the adverse party, to shew cause, &c. June 20, 1785. :

On the petition of *John Vinton*, representing that through mistake he had lost his right of appeal to the Supreme Court of Probate, and praying relief :

Resolved, That the petitioner notify *William Bent* and *Samuel Blackman*, the adverse party, to appear on the second Wednesday of the next sitting of the General Court, by serving them with an attested copy of the said petition, and this order thereon, twenty days at least previous to the said day, to shew cause (if any they have) why the prayer thereof should not be granted, and that all further proceedings thereon subside until the said day.

XXXIX.

Resolve granting nine pounds four shillings and ten pence, to *John Head*, a Coroner for the county of *Essex*, for taking inquisitions. June 20, 1785.

Resolved, That that there be allowed and paid out of the treasury of this Commonwealth, to *John Head*, one of Coroners for the county of *Essex*, for taking inquisitions of the bodies of two persons (names unknown) the sum of nine pounds four shillings and ten pence, as by the said Coroner's account appears to have been allowed by the Court of General Sessions of the Peace for the county of *Essex*.

XL.

Resolve for electing Grand Jurors in the county of *Berkshire*. June 20, 1785.

Whereas it so happend that Grand Jurors were not elected within the county of *Berkshire*, in the month of *March* last past, to serve at the Court of General Sessions of the Peace, as by law is provided, and as without the interposition of this Court, great inconveniences, and a failure of justice will result therefrom :

Resolved,

Resolved, That the Clerk of the said Court of General Sessions of the Peace be, and he hereby is empowered and directed, a sufficient time before the second Tuesday of *September* next, when the said Court is by law to be holden, to issue writs commonly called writs of *venire*, thereby requiring that there be elected, in so many towns within the said county as shall be necessary for that purpose, a competent number of men qualified as by law is provided, to serve on the Grand Jury at the Court aforesaid, at the several terms thereof, antecedent to the month of *March* next, who shall be elected in the same manner as was provided for the election of Grand Jurors, previous to passing the law entitled, "An act regulating the appointment and service of Grand Jurors."

And it is further Resolved, That if any town or person, shall neglect to perform the duty required by such writs of *venire*, the town or person so offending, shall be subjected to the same penalties as by law they would have been antecedent to making the law aforesaid, any law to the contrary hereof, notwithstanding.

XLI.

Reported on the petition of *Samuel Freeman*, agent for the proprietors of four townships lying eastward of *Union-River*. June 21, 1785.

The committee on the subject of unappropriated lands in the county of *Lincoln*, to whom was committed the petition of *Samuel Freeman*, Esq; agent for the proprietors of four townships lying eastward of *Union-River*, which with two other townships, *viz.* No. 2 and 3, were conditionally granted on the twenty-seventh day of *January*, A. D. 1764, to sundry persons named in the grant, *viz.* No. 1, to *Paul Thondike* and others. No. 4, to *Edward Small* and others. No. 5, to *Josiah Sawyer* and others, and No. 6, to *Nathaniel Parker* and others,—take leave to report, that in their opinion, it will be expedient to confirm the grant of said townships, No. 1. No. 4. No. 5, and No. 6, on the following conditions, *viz.*

That the proprietors of the same pay to Government, for each of said townships, the sum of twelve hundred and fifty pounds, in the consolidated notes of this Commonwealth, within one year from this time, with interest.

That the proprietors, within six years from this time, compleat in each township, the settlement of sixty good Protestant families, and building sixty houses, none to be less than eighteen feet square, and seven feet stud, and clear and cultivate five acres of land on each share, fit for mowing or tillage.

That in each township they build a suitable meeting-house for the public worship of God, and settle a learned Protestant minister, and make provision for his comfortable and honorable support, and that in each township there be reserved and appropriated four whole rights, or sixty-fourth parts, for quantity and quality, in the division of the same, for the following purposes, *viz.* One for the first settled minister, his heirs and assigns forever;—one for the use of the ministry;—one to, and for the future appropriation of Government, and one for the use of a grammar-school forever.

That fifty acres be allowed and assigned to each settler, who settled therein before the twentieth day of *January* 1783, his heirs or assigns, in consideration

ation of his performing the duties of a settler, provided he has performed, or shall contract to perform, within six years, the duties of a settler as prescribed in this report; and the said fifty acres to be assigned the settler, his heirs or assigns, shall be laid out so as to include the whole of his improvements, or so much thereof as may be, without doing great damage to the proprietors;—and where the lot shall be laid out, so as not to include the whole improvements of the settler, he shall have liberty to purchase the remainder of such lands, estimating the same in a state of nature, or to receive of the proprietors a reasonable allowance for such extra improvements, at the settlers election.

And in case of any disagreement about the said price or allowance, or any other matter relating to a settlement, that the same be decided by disinterested men, one of whom shall be chosen by the proprietors, one by the settler, and in case they cannot agree, the third by the two chosen as aforesaid.

That each settler shall have liberty, at any time within twelve months from this date, to purchase of the said proprietors, fifty acres for quantity and quality of the unloted lands in the township wherein he is settled, at a price not exceeding three shillings per acre.

Provided nevertheless, That where any agreement has been, or shall be made, between a proprietor or proprietors, and a settler or settlers, as to terms of settlement, such agreement shall not be violated.

Boston, June 20, 1785. SAMUEL PHILLIPS, jun. } Committee.
NATHANIEL WELLS. }

Read and accepted, and thereupon Resolved, That the grant of four townships aforesaid, be confirmed in manner following, *viz.* No. 1, to *Paul Thondike* and others. No. 4, to *Edward Small* and others. No. 5, to *Josiah Sawyer* and others, and No. 6, to *Nathaniel Parker* and others, their several and respective heirs and assigns, on the conditions in the said report.

XLII.

Resolve on the petition of *Josiah Cooper*, and others, of *Dukes-County, Indians*, empowering their guardians to sell land mentioned. *June 22, 1785.*

On the petition of *Josiah Cooper*, an *Indian* man, and others, of the town of *Chilmark*, in *Dukes-County*, praying for liberty to make sale of a tract of land lying in the town of *Chilmark*, containing about twenty acres:

Resolved, That the prayer of the petitioners be so far granted, that the guardians of the *Indians* in *Dukes-County*, be empowered to sell, at public auction or private sale, a tract of land, lying unimproved, adjoining to the land of *Matthew Tiltan*, in said *Chilmark*, containing about twenty acres, and to give a good deed or deeds of the same, the net proceeds to be by them appropriated for the purpose of fencing and cultivating the other land of said petitioners;—and the said guardians to be accountable to this Court, for the expenditure of the proceeds of said land.

XLIII.

Resolve on the petition of *John Barnard*, granting one moiety of half part of the island of *Mount-Desert*, to hold the same in fee simple. *June 23, 1785.*

Whereas *John Barnard*, of *Bath*, in the county of *Lincoln*, hath produced to this Court, ample testimony of the uniformity, consistency, and propriety of his political conduct, previous to, during, and since the late war :—And whereas the estate of his father, *Sir Francis Barnard*, deceased, has been confiscated to the use of this Government ; part of which estate, so confiscated, to wit, the island of *Mount-Desert*, was by the last will and testament of said deceased, made previous to said confiscation, devised to the said *John*, and the only property which said *John* by the will aforesaid, could hold, had not said estate been confiscated ; and this Court viewing the conduct of said *John* as meritorious, and commiserating his peculiar situation, —and he having petitioned for a grant of the island aforesaid, which this Court consider to be in degree reasonable :

Therefore Resolved, That one moiety, or half part of the island of *Mount-Desert*, in quantity and quality, be and hereby is granted, and from the passing of this resolve, shall enure to the said *John Barnard*, his heirs and assigns forever, to hold in fee simple ; provided always that the said *John* shall convey to each person, now in possession of lands, which may by a division of the aforesaid island be assigned to said *John*, such quantity thereof, and upon such terms as the committee appointed by a resolve of the General Court, passed *October 28, 1783*, shall direct, within eighteen months from the passing of this resolve.

XLIV.

Resolve directing the Naval-Officer of *Boston*, once in three months to pay the Treasurer seven twelfths of all the fees he may hereafter receive in his office, and with the several other Naval-Officers, keep and render an accurate account of such fees, and directing the Treasurer to keep a separate account of the same. *June 23, 1785.*

Whereas it appears to this Court, that the fees of the naval-office, as the same are established by law, are more than adequate to the support of the naval-office of the port of *Boston* : *Therefore,*

Resolved, That the Naval-Officer of the port of *Boston*, once in three months, pay to the Treasurer of this Commonwealth, seven-twelfths of all the fees which he may hereafter receive in his office ;—any law or resolve to the contrary notwithstanding. The said Naval-Officer taking duplicate receipts therefor, one of which to be lodged in the Secretary's office :

Resolved, That hereafter the several Naval-Officers in this Commonwealth be, and they are hereby severally directed, to keep just and accurate accounts of all the fees which they may receive in their respective offices ;—and once in three months render an account thereof, on oath, to the Treasurer aforesaid.

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed, to keep a separate account of the monies he shall receive from the Naval-Officer of *Boston*, by virtue of the resolve herein first mentioned,—and that they be appropriated to the payments of the cost and charges of the several light-houses in this Commonwealth, in the same way and manner that monies arising from the duties of light money are appropriated.

XLV.

Resolve on the petition of *John Buttrick* and *David Brown*, to serve the adverse party with a copy, &c. to shew cause. *June 23, 1785.*

On the petition of *John Buttrick* and *David Brown*, sitting forth that they, with *Joseph Lee*, and others, were obligated to *Hugh Hall*, Esq; late of *Boston*, deceased, in a bond of one hundred pounds, and that the aforesaid *John* and *David*, had given counter bonds, and were holden to pay the whole debt and damage, and that the bond aforesaid was carried off by *Foster Hutchinson*, executor to the last will of the said *Hugh*; also that an administrator was appointed on said estate, who called on your petitioners to discharge their debt, in the year seventeen hundred and seventy-seven, which they were ready at that time to have done; but the administrator would not receive the money when it was sent to him; and likewise, that action had been commenced against *Mr. Lee* only, and judgment obtained for a larger sum than was due on said bond, and praying for relief:

Resolved, That the petitioners aforesaid, serve the adverse party, with an attested copy of their petition, with this order of Court thereon, three weeks at least before the second Wednesday of the next setting of the General Court, that they may appear on that day, and shew cause, (if any they have) why the prayer of their petition should not be granted, and that execution be stayed in the mean time.

XLVI.

Resolve on the petition of *Daniel Whitney*, abating a fine laid on the town of *Shelburne*, for not sending a Representative in 1781. *June 23, 1785.*

On the petition of *Daniel Whitney*, in behalf of the town of *Shelburne*, praying for an abatement of the fine set on said town for not sending a Representative to the General Court, in the year one thousand seven hundred and eighty-one:

Resolved, That there be paid out of the treasury of this Commonwealth, to the said town of *Shelburne*, eight pounds one shilling, being the one half of the said fine.

XLVII.

Resolve granting six pounds thirteen shillings and four pence, to *Joseph Montague* and *Gideon Moody*, for their service in the army, in the year 1781. *June 23, 1785.*

On the petition of *Joseph Montague* and *Gideon Moody*, praying that they may be paid for three months service in the army, in the year 1781 :

Resolved, That there be paid by the Treasurer of this Commonwealth, to *Joseph Montague* and *Gideon Moody*, the sum of six pounds thirteen shillings and four pence each, in full for said service.

XLVIII.

Resolve granting fifteen pounds nine shillings eleven pence half penny, to *Daniel Pettingill*. *June 23, 1785.*

On the petition of *Daniel Pettingill* :

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, unto *Daniel Pettingill*, fifteen pounds nine shillings and eleven pence half penny, in full for his services, as set forth in his petition.

XLIX.

Resolve on the petition of *Thomas Ayres* and others, guardians to children of *Asa Witham*, empowering them to enter an appeal at the Supreme Court of Probate. *June 23, 1785.*

On the petition of *Thomas Ayers*, *Joseph Peirce* and *Jeremiah Witham*, guardians of the orphan children of *Asa Witham*, late of *New-Glocester*, deceased :

Resolved, That the prayer of the petition be granted, and that *Thomas Ayers*, *Joseph Peirce* and *Jeremiah Witham*, guardians of the orphan children of *Asa Witham*, of *New-Glocester* aforesaid, deceased, be, and they are hereby authorized and empowered to enter their appeal, in their said capacities, from a decree of *William Gorham*, Esq; Judge of Probate for the county of *Cumberland*, upon an account called the second account of *Rebecca Bump*, late *Rebecca Witham*, administratrix on the estate of the aforesaid *Asa Witham*, deceased, at the setting of the Supreme Court of Probate, on the next Tuesday after the fourth Tuesday of *June, 1786*, to be holden at *Falmouth*, in the county of *Cumberland*,—and to file in their reasons as the law directs ;—the said guardians giving notice to the adverse party, twenty days before the sitting of the Court aforesaid, by serving her with an attested copy of this resolve ; and the Supreme Court of Probate is hereby authorized and required, to receive the said appeal, and determine thereon, in the same manner as if it had been brought before them in the common course of law.

L.

Resolve on the petition of *Hiram Newball*, in behalf of the town of *Atbol*, appointing a committee to repair to said town, and hear the parties. *June 24, 1785.*

On the petition of *Hiram Newball*, Esq; in behalf of the town of *Atbol*, and the answer thereto from such of the inhabitants of the district of *Orange*, as were set off from said *Atbol* :

Resolved,

Resolved, For reasons set forth in the said petition, and answer thereto, that *Ebenezer Bridge, Josiab Stearns* and *John Fessenden*, Esq's. be, and they are hereby appointed a committee to repair to the town of *Atbol* and district of *Orange*, hear the parties and finally adjust and settle all disputes that do now exist, between the said town of *Atbol*, and said inhabitants of the district of *Orange*, respecting debts contracted previous to the said district being set off from the town of *Atbol*, and also such taxes as may have been assessed pursuant to any vote or votes of said town of *Atbol*, subsequent to the incorporation of said district, whose decision shall be final.

And it is further Resolved, That the expence of the committee shall be paid by either or both of the parties, as to the said committee shall seem just and reasonable.

LI.

Resolve on the petition of *Ebenezer Pease*, allowing him forty-five pounds five shillings and four pence, for his wages while a prisoner with the enemy, from *September 1781*, to *July 1783*, also a grant of two pounds two shillings. *June 24, 1785.*

On the petition of *Ebenezer Pease*, praying for a compensation for his time while a prisoner with the enemy, *viz.* From the seventh day of *September*, in the year 1781, to the twenty-sixth day of *July*, in the year 1783, being twenty-two months and nineteen days, and also for his firelock, accoutrements and blanket, which he lost, and could not recover :

Resolved, That the said *Ebenezer Pease* be allowed and paid out of the public treasury of this Commonwealth, the sum of forty-five pounds, five shillings and four pence, in full for his wages while a prisoner as aforesaid, and that the same be charged to account of the *United States*.

And it is further Resolved, That he be paid out of the said treasury, a further sum of forty-two shillings, for his firelock, accoutrements and blanket.

LII.

Resolve preventing Naval-Officers holding the office of Collector, or Deputy-Collector of Impost and Excise. *June 24, 1785.*

Resolved, That no Naval Officer in any of the ports of this Commonwealth, shall exercise, or hold the office or place of Collector or Deputy-Collector of Impost or Excise, in any county therein ; and if any Naval-Officer shall exercise or hold such office, it shall be construed to be a resignation of his place as Naval-Officer.

LIII.

Resolve on the petition of the Selectmen of the town of *Truro*, (in behalf of said town) in the county of *Barnstable*, relative to the abatement of taxes. *June 25, 1785.*

On the petition of the Selectmen of the town of *Truro*, in behalf of the said town, praying for an abatement of taxes :

Resolved,

Resolved, That on account of the reduced circumstances of the town of *Truro*, the said town be, and it is hereby discharged of all the State and Continental taxes, with which said town stands charged on the treasury books, except the State taxes No. 3, 1783, and No. 4, 1784, for which last mentioned taxes the said town is to remain accountable; and the Treasurer of this Commonwealth is hereby directed to discharge the said town accordingly, and to stay his executions for the last mentioned taxes, until the next sitting of the General Court.

And it is further Resolved, That if any of the persons assessed in the State tax of *May, 1781*, hereby remitted to the said town, are not of sufficient ability to pay the sums assessed on them thereon, the Selectmen and Assessors of said town, upon application to them made, may abate the same; and the Collector or Collectors of said tax, are hereby authorized to collect the remainder, and directed to pay the sums they shall so collect into the treasury of the said town of *Truro*, to be applied to such use or uses as may by said town in a legal town-meeting be ordered.

LIV.

Resolve on the petition of the Selectmen of the town of *Chatham*, in behalf of said town, praying for an abatement of taxes. *June 25, 1785.*

On the petition of the Selectmen of the town of *Chatham*, in behalf of said town, praying for an abatement of taxes :

Resolved, That in consideration of the reduced state of the town of *Chatham*, one half of the State tax No. 3, 1783, together with the several balances due for State and Continental taxes, prior to the said tax of 1783, be, and they are hereby remitted, and the said town discharged from the payment of any taxes already laid on said town, except the tax No. 4, 1784, and the one half of the said tax No. 3; and the Treasurer of this Commonwealth is hereby directed to credit the said town of *Chatham* for the sums hereby remitted, and to stay his executions against said town for the last mentioned taxes, until the next sitting of the General Court.

And it is further Resolved, That the sums remitted to the said town, be nevertheless collected of the several individuals who have neglected to pay the sums respectively assessed on them in the taxes remitted, except such part as the Selectmen and Assessors of the said town shall see cause, upon application made to them, to abate;—and the Collectors of the said taxes, are hereby empowered to compleat their collections, and directed to pay the sum they shall so collect into the treasury of the town of *Chatham*, (save the tax No. 4, 1784, and the one half of the State tax No. 3, required to be paid into the treasury of this Commonwealth) to be applied to such use or uses, as shall be by the said town of *Chatham*, at a legal town meeting ordered.

LV.

Resolve on the representation of the Justices of the Court of General Sessions of the Peace for the county of *Bristol*, empowering the Sheriff to remove the prisoners from *Taunton* goal to *Plymouth* goal. *June 25, 1785.*

On the representation of the Justices of the Court of General Sessions of the Peace for the county of *Bristol* :

Resolved, That the Sheriff of the county of *Bristol* be, and he hereby is empowered and directed to remove the prisoners now in the goal in the said county, and to commit those he may hereafter have in his custody, to the goal in the county of *Plymouth*; and the Sheriff of the said county of *Plymouth*, is hereby directed to receive such prisoners into his custody, and them safely keep until they shall be legally discharged or removed, by order of the General Court.

Resolved further, That the charges which may arise in supporting the said prisoners, and all other costs occasioned by the prisoners, shall be defrayed by the said county of *Bristol*, in the same manner as if the said prisoners continued in the goal in the said county of *Bristol*.

LVI.

Resolve on the petition of *Martha Doyle*, alias *Matthew Doyle*, directing the Treasurer to deliver notes in lieu of notes issued. *June 27, 1785.*

On the petition of *Martha Doyle*, alias *Matthew Doyle*, setting forth that he was a soldier in Colonel *Crane's* regiment of artillery, in Captain *Thomas Jackson's* company, and that his wages have been drawn by one *William Davis*, from the Treasurer of this Commonwealth, by a forged order :

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed, to make out and deliver to the said *Martha Doyle*, alias *Matthew Doyle*, notes in the same manner, and for the same amount, as if no notes ever had been issued, for the payment of the aforesaid *Doyle's* wages.

LVII.

Resolve on the petition of *George Stimpson*, to serve Mess^{rs}. *Gilbert Dench* and *Lawson Buckminster*, with a copy of this petition and order thereon, to shew cause. *June 27, 1785.*

On the petition of *George Stimpson*, praying, for sundry reasons set forth in said petition, that he may have a re-hearing in sundry actions between him and *Gilbert Dench* and *Lawson Buckminster*, and that the report of the Referees in said actions may be set aside :

Resolved, That the prayer of the petition be so far granted, that the said *George* serve the said *Gilbert* and *Lawson*, with an attested copy of his petition and this order thereon, fourteen days before the second Wednesday of the next sitting of this Court, that they may then shew cause, (if any they have) why the prayer of said petition should not be granted, and that execution be stayed in the mean time.

LVIII.

Resolve on the petition of *Benjamin Edy*, authorizing Overseers of the Poor of the town of *Easton*, to take charge of him, his wife and children, and to support them, and present their account for allowance. *June 27, 1785.*

On

On the petition of *Benjamin Edy* :

Resolved, That the Overseers of the poor of the town of *Easton*, be, and they hereby are authorized and directed to take charge of the said *Benjamin*, his wife and children, and make such provision for their relief and support, and such distribution of the said children, as the said Overseers shall suppose their necessities may require, and as shall be most for the benefit of the said children, in the same manner as though the said *Benjamin* and his children were the proper poor of the said town of *Easton*, and present their accounts for the same to the General Court, for allowance and payment.

LIX.

The agreement with Messrs. *Adams* and *Nourse*, for printing the Resolves and Acts of the General Court for the present year. *June 27, 1785.*

The Subscribers, in consideration that the present General Court of this Commonwealth of *Massachusetts*, shall grant to them the exclusive business of printing resolves and temporary acts of the Legislature, that shall be passed by the present General Court, hereby on their part engage, that they will print six hundred and fifty copies of each of said resolves and acts, on good paper with a fair type, at the price of one penny per sheet; each sheet to contain four pages, and of the same size with those on which the resolves and acts of the General Court of the last year were printed, and stich the resolves and acts aforesaid, of each session of the said General Court, in two separate coverings of blue paper, and from time to time deliver the same according to the directions of the General Court.

In witness whereof we have hereto subscribed our names, this twenty-fifth day of *June*, in the year of our Lord, one thousand seven hundred and eighty-five.

(Signed) ADAMS and NOURSE.

In presence of
EDWARD H. ROBBINS,
JOSIAH HUBBARD.

LX.

Resolve requesting the Governor to procure the Laws of other States, to publish an abstract of Customs and Duties, and to expostulate with other States respecting their Excise Acts. *June 27, 1785.*

Resolved, That his Excellency be requested to procure from time to time, the laws and resolves of the several *United States*, and also such of the laws, decrees, and arrêts of other Governments, as may affect the interest of the citizens of this Commonwealth.

Resolved, That his Excellency be requested to cause an abstract to be printed of all such customs and duties, that have or may come to his knowledge, of what nature or kind soever, as are demanded from *American* vessels in foreign ports, for the information and government of all concerned.

And

And it is further Resolved, That his Excellency be requested to expostulate with such of the *United States*, as have passed Impost and Excise Acts, or other Laws for the regulation of Trade, that affect the commercial interest of the citizens of this State, and urge the propriety of their making such alterations and amendments, as shall render them not only conformable to the spirit of the Confederation, but consistent with those principles of reciprocity which in a national view, ought ever to be adopted.

LXI.

Resolve respecting the Assessors of the town of *Lancaster*, continuing the time of assessment to the first of *August* next. *June 27, 1785.*

Whereas a resolve passed the General Court, on the fourth day of *March*, 1785, empowering the Assessors of the town of *Lancaster*, for the year 1781, to assess those inhabitants of the town of *Sbrewsbury*, with their estates, that by one act of the General Court, passed the 26th of *February* 1781, were set off from said town of *Lancaster*, and annexed to the town of *Sbrewsbury*, their proportion of the several requisitions made on the said town of *Lancaster*, in the year 1781: And as the time allowed for the compleating said assessment is expired:

Resolved, That the power given the said Assessors, by the resolve aforesaid, be, and is hereby continued to the first day of *August* next.

LXII.

Resolve making an establishment of the General Court's pay. *June 27, 1785.*

Resolved, That there be allowed and paid out of the public treasury, the sum of eight shillings to each member of the Hon. Council, and the sum of seven shillings and six pence, to each member of the Hon. Senate,—and the sum of seven shillings to each member of the House of Representatives, for each day they have attended the Council or General Court, the present session, also the further sum of one day's pay for every ten miles distance each member lives from the place of the Court's sitting.

LXIII.

Resolve on the memorial of *Charles Cushing*, Esq; directing the Treasurer to receive a certain sum of money of the old emission, and ninety pounds in notes. *June 27, 1785.*

On the memorial of *Charles Cushing*, Esq; setting forth that Col. *Dummer Sewall*, who was a Muster-Master and Superintendant for the county of *Lincoln*, sent the memorialist his accounts, and the surplus of old emission money, and notes remaining in his hands, after paying off the soldiers; which money and notes it appears are the same the said *Sewall* received from the treasury;—and praying that he might have liberty to return the same into the treasury, for reasons set forth in his petition:

Resolved,

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed to receive two thousand five hundred and seventy-six dollars of the old emission, and ninety pounds in notes, being the amount of the aforesaid money and notes, giving duplicate receipts therefor, one of which to be lodged in the Secretary's office, and that the same pass to the credit of the said *Dummer Sewall*.

LXIV.

Resolve requesting the Governor to write to the Governor of *New-York*, upon the subject of lands within the claims of this Commonwealth, which said State of *New-York* is now disposing of. *June 28, 1785.*

Whereas this Court has reason to believe that the State of *New-York*, has offered to make sale of lands within the limits claimed to be within this Commonwealth, and that the said State is actually attempting to purchase of the natives, lands lying within the same limits :

Therefore, Ordered, That his Excellency the Governor be, and he hereby is requested to write to the Governor of the State aforesaid, representing to him the nature and impropriety of such conduct ; that it tends manifestly to lay a foundation for jealousy and discord between this Commonwealth and the State aforesaid, and that in the opinion of this Legislature, all matters respecting the said lands ought to have been permitted, by the respective claimants thereof, to continue in the same State they were in at the time the claim of this Commonwealth thereto was instituted.

LXV.

Resolve on the memorial of *Richard Devens*, Esq; Commissary-General, to credit *Isaac Snow* of *Harpswell*, for the amount of the fire-arms mentioned, and appointing *Nathaniel Wells*, Esq; to enquire into the matter of a number of fire-arms sold the Hon. *Jedediah Preble*, Esq; deceased. *June 28, 1785.*

Whereas it appears to this Court, that *Isaac Snow*, of *Harpswell*, who received for the use of that town, twenty-five of the fire-arms mentioned in the said memorial, has produced a receipt from *Joseph Noyes*, Esq; by which it appears, that he paid the said *Noyes* for twenty of said arms ;—and whereas it appears that the other five fire-arms delivered to said *Snow*, were accidently lost :

Therefore, Resolved, That the said Commissary-General be, and he hereby is directed, to credit the said *Isaac Snow* for the whole amount of the said twenty-five fire-arms, the resolve of *March* the 18th, 1784, notwithstanding.

And whereas it appears, That the Hon. *Jedediah Preble*, late of *Falmouth*, Esq; to whom thirty-three of said fire-arms were delivered, is since dead :—And whereas *Daniel Illey*, to whom forty-seven of said fire-arms were supposed to have been delivered, has by his letter to the Commissary-General, represented, that those arms were never delivered to his care, so as to make him accountable for the same :—And whereas further enquiry is necessary for the proper investigation of this matter, and to enable this Court to determine with certainty, who are now accountable to this Commonwealth for the said thirty-three arms, and the said forty-seven arms :

It is therefore further Resolved, That *Nathaniel Wells*, Esq; be a committee in the next recess of this Court, to enquire particularly into this matter, and report at the next sitting of this Court :—And the Commissary-General is directed in the mean time to call upon *Joseph Noyes*, Esq; for the proceeds of the twenty-five arms aforesaid, which *Isaac Snow* aforesaid, paid into his hands (as appears by his receipt, dated the 11th of *May*, A. D. 1779) if the same be not already accounted for.

LXVI.

Resolve appointing a committee to make sale of lands in the county of *Berkshire*. June 28, 1785.

Resolved, That *John Bacon*, *Samuel Killogg*, Esq; and *Mr. Ebenezer Peirce*, be a committee to dispose of all the unappropriated lands belonging to this Commonwealth, lying in the county of *Berkshire*, except the lands on *Hussock-Mountain*, and those which have been confiscated to the use of Government, and that the said committee be, and they hereby are directed to dispose of the said lands, either at public or private sale, (as they may judge most for the interest of this Commonwealth) for any of the consolidated securities of this State, and to allow, if they shall judge it most beneficial, a day of payment to the purchaser or purchasers of the said lands, for three-fourths of the sum agreed upon, the other fourth being paid in hand, and the term of credit not to exceed six months, taking good and sufficient security therefor;—first giving notice of the sale of said lands, by posting up notifications in the most public places in the four neighbouring towns, and by advertizing the same in the *Worcester* and *Springfield* news-papers, three weeks successively, previous to the sale; and the said committee are hereby empowered to give good and sufficient deeds of the lands they shall sell as aforesaid, and shall cause them to be surveyed by a Surveyor and chain-man, whom they shall appoint, and who shall be sworn to the faithful discharge of their duty. And as there are divers parcels of the said lands already entered upon; and petitions have been preferred to the General Court, that the occupants may be quieted in their possessions, upon paying a reasonable consideration; in such cases the said committee are empowered to quiet the occupants in their possessions, upon their paying such sum or sums in consolidated securities of this State, as the committee shall judge said lands would be worth at the time of sale, as if in an unimproved state :—And the said committee are hereby directed to deliver into the treasury of this Commonwealth, all the notes they shall receive in payment for the said lands, together with the obligations received of the purchasers aforesaid, taking duplicate receipts therefor, one of which to be lodged in the Secretary's office; and they are further directed to make report of their doings hereon at the next sitting of the General Court, as soon as may be afterwards.

LXVII.

Resolve on his Excellency's message, requesting him to order the guns in the several fortresses in the harbour to be fired, upon the birth of the Duke of *Normandy*. June 28, 1785.

Whereas

Whereas the increase of the family of his *Most Christian Majesty*, by the birth of a Prince who is stiled the Duke of *Normandy*, will be the means of adding strength and stability to the House of a King, who has given many important proofs of friendship for our nation, and encreases the happiness of his family, and the people under his government :

Resolved, That his Excellency the Governor be requested to direct the guns of the several fortresses in, and near the harbour of *Boston*, to be fired as soon as may be, on this joyful occasion.

LXVIII.

Resolve on the petition of *Shubael Johnson*, executor to *Benjamin Johnson*, deceased, to notify *Ann Knight* to shew cause, &c. June 28, 1785.

On the petition of *Shubael Johnson*, executor of the last will and testament of *Benjamin Johnson*, deceased :

Resolved, That *Shubael Johnson* notify *Ann Knight*, formerly named *Ann Borland*, by serving her or her Attorney with an attested copy of his petition and this order thereon, fourteen days at least, previous to the second Wednesday of the next sitting of the General Court, to shew cause (if any there be) on the said day, why the prayer of the said petition should not be granted ;— and that the officer who has, or shall receive the execution mentioned in the said petition, be, and hereby is directed to extend the same in the mean time, in the same manner as if the judgment against the said *Shubael Johnson* had been for the sum of one hundred and seventy pounds ten shillings damage, and the costs, and no more.

LXIX.

Resolve on the petition of *William Brunson*, in behalf of the town of *Alford* abating a fine. June 29, 1785.

On the petition of *William Brunson*, setting forth that the town of *Alford*, was charged with one man more than was their just proportion, by a resolve of the General Court in *December*, 1780 ; and praying that the said town may be abated the fine laid on them in consequence of not raising the aforesaid man :

Resolved, That the prayer of the said petition be granted, and that the Treasurer of this Commonwealth be, and hereby is empowered and directed to credit the town of *Alford*, one hundred and twenty-eight pounds nine shillings and six pence, on the tax in which the said fine was charged.

LXX.

Resolve on the message from the Governor, of June 14, 1785, respecting *Jonathan Eddy* and others, Refugees from *Nova-Scotia*, granting several quantities of land lying in one body, in the unappropriated lands of this State to the eastward of *Penobscot-River*, under the direction of the committee for sale of lands in the county of *Lincoln*, upon certain conditions. June 29, 1785.

Whereas

Whereas *Jonathan Eddy*, Esq; and the other persons hereafter named, refugees from the province of *Nova-Scotia*, now residing in this Commonwealth, were during the late war, in consequence of the laudable attachment which they expressed to the *American* cause, necessitated to flee from their respective habitations in the province aforesaid, and leave their property behind them, many of whom are now in penurious and distressed circumstances; and as the *United States* in Congress assembled, on the thirteenth day of *April* last past, recommended the said sufferers to the humanity and particular attention of this Court; and they having by their agent, *Jonathan Eddy* aforesaid, manifested their desire to procure a settlement in the eastern part of this Commonwealth:

Therefore Resolved, That there be, and hereby is granted to the several persons hereafter named, being refugees as aforesaid, and to their heirs and assigns forever, the several quantities of land hereafter mentioned, that is to say, to the said *Jonathan Eddy*, fifteen hundred acres; to *Ebenezer Gardner*, one thousand acres; to *Zebulon Row*, seven hundred and fifty acres; to *William Maxwell*, seven hundred and fifty acres; to *Robert Foster*, five hundred and fifty acres; to *Parker Clarke*, five hundred acres; to *Arwood Fales*, four hundred and fifty acres; to *Elijah Ayre*, four hundred acres; to the heirs of *William Eddy*, three hundred and fifty acres; to *Phineas Never*, one thousand acres; to *Nathaniel Reynold*, three hundred acres; to *Seth Noble*, three hundred acres; to *Samuel Rogers*, three hundred acres; to *Thomas Forkner*, two hundred and thirty acres; to *John Day*, two hundred and thirty acres; to *Anthony Burk*, *Bradford Carpenter*, *John Eckley*, *Jonathan Eddy*, jun. *William Howe*, each one hundred and fifty acres, which several quantities of land, amounting in the whole, to nine thousand three hundred and sixty acres, shall be laid out in one body, in the unappropriated lands of this Commonwealth, to the eastward of *Penobscot-River*, under the directions of the committee for the sale of unappropriated land in the county of *Lincoln*, who shall also cause division thereof to be made among the grantees aforesaid, in such manner as to make the relative value of the several parcels thereof, as nearly proportionate to the quantities therein contained, as may be.

Provided always, That each of the grantees aforesaid, their heirs or assigns, shall erect a dwelling-house, and clear one fiftieth part of the land at least, upon the particular parcel that shall be assigned them, agreeable to this resolve, within two years after the division shall be made as aforesaid, and that the whole right of any who shall neglect the same, shall enure to the Commonwealth.

LXXI.

Resolve on the petition of *Moses Stone* and *Asabel Wheeler*, agents for the town of *Sudbury*, appointing a committee of both Houses, to repair to the said town in the recess, for the purposes mentioned. *June 29, 1785.*

Resolved, That *Joseph B. Varnum*, Esq; *Mr. Faulkner* and *Mr. Pancroft*, be a committee to repair to the town of *Sudbury*, in the next recess of the General Court, to view the causeway and bridges mentioned in the petition aforesaid, (at the expence of the inhabitants of the said town) and report their opinion, after a careful view of the premises, whether or no justice requires that

that any alteration should be made in the act of incorporation referred to in the said petition. And in case it shall appear to the satisfaction of said committee just and reasonable, that *Sudbury* should support and maintain the said causeway and bridges, in equal proportion with east *Sudbury*, then the said committee are hereby directed to consider of the expediency of apportioning the said causeway and bridges into such divisions as that each of the said towns may support and maintain its own part in severalty, and in case they shall judge such an appointment expedient, then to report at the next sitting of this Court, what particular part, in their opinion, ought to be supported and maintained by *Sudbury*, and what part by *East-Sudbury*.

LXXII.

Resolve on the petition of *Gowen Brown* and *William Todd*, granting them thirty pounds ten shillings, for a judgment recovered against them. *June 29, 1785.*

On the petition of *Gowen Brown* and *William Todd*, praying for payment of a whale boat, by them employed in the expedition against the *British* garrison at *Penobscot*, by order of General *Lovell*, and for reimbursement of a sum by them expended in defending a law-suit brought against them by one *Andrew Reed*, for the conversion of said boat :

Resolved, That there be allowed and paid out of the public treasury, to the said *Gowen Brown* and *William Todd*, the sum of thirty pounds ten shillings, in full for the judgment recovered against them by said *Reed*, upon the action aforesaid, and the costs of the same suit, and that the same be charged to the *United States*.

LXXIII:

Report on the Governor's message of the second of *June* instant, relative to pot and pearl-ash, to made provision in the next tax-act. *June 30, 1785.*

The committee of both Houses, appointed to consider the message of his Excellency the Governor, of the second of *June* instant, ask permission to report as their opinion, that it will be expedient that the General Court should make provision in the next tax-act, granting a sum of money for the use of this Commonwealth, for the reception of pot-ash, pearl-ash, flax-seed, and other specified articles, in payment of the said tax, in lieu of money, under such regulations as may be established in the said act.

LXXIV:

Resolve on the petition of *Abraham Foster* and others, appointed a committee to repair to *Flint's* mill, standing on *Ipswich-River*, hear the parties, &c. and report at the next sitting of the General Court. *June 30, 1785.*

Resolved, That *Joseph B. Varnum*, *Joshua Holt*, and *Thomas Poor*, Esq's. be a committee to repair to *Flint's* mill, standing on *Ipswich-River*, and view the dam of said mill, notify the Town-Clerks of *Reading* and *Wilmington*,

seven days before the time they propose to attend, hear the parties, consider what is necessary to be done for making a convenient fish-way through the said mill-dam, and make report to this Court at their next sitting, the petitioners defraying the expence of the said committee in performing this business.

LXXV.

Resolve on the petition of *Ephraim Cleaveland*, directing a consolidated note to be paid to him, of the same sum, payable at the same time as he would be intitled to receive, were the notes mentioned in his possession. July 1, 1785:

On the petition of *Ephraim Cleaveland*, setting forth that he was possessed of two notes, called depreciation notes, amounting each to three hundred and sixty pounds, payable in the years 1786 and 1787, and that by accident the same were consumed by fire :

Resolved, That there be paid out of the treasury of this Commonwealth, to *Ephraim Cleaveland*, in a consolidated note, the same sum, payable at the same period or periods as he would be entitled to receive for the said notes, were the same in his possession :—Provided the said *Ephraim Cleaveland* give bond to the Treasurer, with sufficient sureties, to indemnify the Commonwealth, against any demands that may hereafter arise from the notes supposed to be lost as above mentioned.

LXXVI.

Resolve recommending a convention of delegates from all the States, for the purpose mentioned. July 1, 1785.

As the prosperity and happiness of a nation, cannot be secured without a due proportion of power lodged in the hands of the Supreme Rulers of the State, the present embarrassed situation of our public affairs, must lead the mind of the most inattentive observer to realize the necessity of a revision of the powers vested in the Congress of the *United States*, by the articles of confederation :

And as we conceive it to be equally the duty and the privilege of every State in the Union, freely to communicate their sentiments to the rest on every subject relating to their common interest, and to solicit their concurrence in such measures as the exigency of their public affairs may require :

Therefore Resolved, That it is the opinion of this Court, that the present powers of the Congress of the *United States*, as contained in the articles of confederation, are not fully adequate to the great purposes they were originally designed to effect.

Resolved, That it is the opinion of this Court, that it is highly expedient, if not indispensibly necessary, that there should be a convention of delegates from all the States in the Union, at some convenient place, as soon as may be, for the sole purpose of revising the confederation, and reporting to Congress how far it may be necessary to alter or enlarge the same.

Resolved,

Resolved, That Congress be, and they are hereby requested to recommend a convention of delegates from all the States, at such time and place as they may think convenient, to revise the confederation, and report to Congress how far it may be necessary, in their opinion, to alter or enlarge the same, in order to secure and perpetuate the primary objects of the Union.

LXXVII.

Letter to the President of Congress.

S I R,

IMPRESSED with the importance and necessity of revising the powers of the United States in Congress assembled, the General Court of the Massachusetts have taken the subject under their serious consideration,—and have adopted the enclosed resolutions, which you are requested to communicate. Should the nature and importance of the subject appear to Congress in the same point of light that it does to this Court, they flatter themselves, that Congress will so far endeavour to carry their views into effect, as to recommend a convention of the States at some convenient place, on an early day, that the evils so severely experienced from the want of adequate powers in the federal Government, may find a remedy as soon as possible.

As a perfect harmony among the States, is an object no less important than desirable, the Legislature of the Massachusetts have aimed at that unassuming openness of conduct and respectful attention to the rights of every State in the Union, as they doubt not will secure their confidence, and meet the approbation of Congress.

A circular letter to the States is herewith transmitted to Congress, which they are requested to forward with their recommendation for a convention of delegates from the States, if they should so far concur in sentiment with this Court, as to deem such recommendation advisable.

LXXVIII.

To the Supreme Executive of each State.

(Circular.)

THE unequal footing on which we find ourselves placed by all the powers with whom we have any commercial intercourse, has produced consequences too extensive not to be universally felt, and too important to be longer neglected.

As commerce and our national credit and importance must decline, unless our Representatives in Congress are vested with more efficient powers, we cannot doubt of your ready concurrence in measures necessary to accomplish so important a purpose.

We have by a resolve of this day, made application to the United States in Congress assembled, for such recommendation to the several States, as shall be thought most conducive to the purposes aforesaid, a copy of which resolve, with the letter inclosing it, addressed to the President of Congress, is herewith transmitted you,—should you be in sentiment with us, that the measures proposed are the proper expedients to relieve us from the national embarrassments we labour under, you are requested to signify your approbation of them to Congress, as early as possible.

LXXIX.

LXXIX.

To the delegates of this State in Congress,

GENTLEMEN,

YOU have herewith transmitted you, copies of a resolve of the General Court; accompanied by a letter to the President of Congress, and a circular letter to the States, upon business of the greatest importance to this, as well as every State in the Union, as you will readily perceive by a perusal of them :

You are therefore directed to take the earliest opportunity of laying them before Congress, and making every exertion in your power to carry the object of them into effect, and to give notice to the Governor as early as possible of the success or other of such application.

Resolved, That his Excellency the Governor be, and he is hereby requested, in behalf of the Legislature, to sign the foregoing letter to the President of Congress, the Supreme Executive of the several States, and to the delegates of this Commonwealth in Congress, and to forward them accordingly.

LXXX.

Resolve on the petition of *Thomas Clark* of *Almsbury*, directing the Sheriff of *Essex* to receive the sum mentioned. July 1, 1785.

On the petition of *Thomas Clark* of *Almsbury*, for reasons set forth in said petition :

Resolved, That the Sheriff of the county of *Essex* be, and he is hereby directed, to receive of *Thomas Clark* aforesaid, the sum of fifty pounds in consolidated securities of this Commonwealth, in full discharge of an execution which he has against the said *Thomas*, in favour of this Commonwealth, for the said sum, provided the said *Thomas Clark* pay the cost that has arisen in the prosecution.

LXXXI.

Resolve granting nineteen pounds four shillings, to the committee for surveying land granted to *A. Lee*, Esq. July 1, 1785:

Resolved, That there be paid out of the public treasury of this Commonwealth, to *Isaac Parsons* and *John Lewis*, Esq's. nineteen pounds four shillings, in full for their trouble and cost of Surveyor, chain-men, &c. in surveying a plat of land granted to *Arthur Lee*, Esq.

LXXXII:

Resolve granting nine pounds three shillings, to *Samuel Johnson*, *Richard Ward* and *John Choate*, Esq's. for determining to which class a disputed man in the town of *Rowley*, belonged. July 1, 1785.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, the sum of nine pounds three shillings, to *Samuel Johnson*, *Richard*

Richard Ward and *John Choate*, Esq's. being in full for their time and expence in judging and determining to which class a disputed man belonged in the town of *Rowley*, of which *George Jewet* and *Ebenezer Kilbourn*, were the heads, agreeably to a resolve of the General Court of *March 14, 1783*:

LXXXIII.

Resolve granting eight pounds four shillings, to *Joshua Washbourn*, a soldier.
July 1, 1785.

On the petition of *Joshua Washbourn*, a soldier in the regiment of militia, commanded by Lieut. Col. *Putnam*; in the year 1781, setting forth, that the wages for his services in said regiment, to the amount of eight pounds four shillings, have been drawn at the treasury of this Commonwealth, by a forged order :

Resolved, That there be paid out of the treasury of this Commonwealth, to the said *Joshua Washbourn*, the aforesaid sum of eight pounds four shillings, in full for his services in said regiment.

LXXXIV.

Resolve on the petition of the inhabitants of the town of *Ward*, directing the Treasurer to stay his execution against said town for the arrears of taxes.
July 1, 1785.

On the petition of the inhabitants of the town of *Ward*, praying that a part of the arrears of the taxes of said town, for the years 1781 and 1782, may be remitted, or that a resolve may obtain directing the Treasurer to stay his executions against said town for said arrears, until it may be in the power of the said town to discharge the same :

Resolved, That the prayer of the petition be so far granted, that the Treasurer of this Commonwealth, be directed to stay his executions against the said town for the arrears of taxes committed to the Constables or Collectors of said town, for the years 1781 and 1782, for the term of six months from the date of this resolve.

LXXXV.

Resolve discharging several towns in the county of *York*, of certain sums, by the books of *William Foye*, Esq; deceased, who was Treasurer of the Province of *Massachusetts-Bay*, some years ago, and directing the Treasurer in this case. July 1, 1785.

Whereas from certain papers said to be extracts from the books of *William Foye*, Esq; deceased, who was Treasurer of the Province of the *Massachusetts Bay*, more than forty years ago, a former General Court of this Commonwealth were induced to suppose that there still remained due from several towns in the county of *York*, divers sums of money, amounting in the whole, to seventy pounds eighteen shillings and seven pence ; and whereas it now appears to this Court, that executions were issued by the said Treasurer against

the Constables and Collectors of such towns for the sums respectively due, which were delivered to *Joseph Plaisted*, Esq; deceased, then Sheriff of the said county, and from receipts and indorsements on said executions, and a settlement made in the year 1754, with the executors of the last will of the said Sheriff, by a committee appointed by the General Court for that purpose, and other circumstances, that the said sums supposed to be due as aforesaid, were paid by the said Constables and Collectors to the said Sheriff, or his executors:

Therefore Resolved, That the several towns in the said county who stand charged any sum or sums by the books of the said *William Foye*, or extracts thereof, be, and hereby are discharged from the same, and the Treasurer of this Commonwealth is hereby directed to govern himself accordingly.

LXXXVI.

Resolve on the petition of *Leonard Williams*, in behalf of the town of *Waltham*, granting the prayer thereof. July 1, 1785.

On the petition of *Leonard Williams*, in behalf of the town of *Waltham*, praying for an abatement of the fine in State tax, No. 3, for the year 1783, for not sending a Representative for the year 1782, for reasons set forth in said petition:

Resolved, That the prayer of said petition be so far granted, as that one moiety of the said fine, viz. fifteen pounds eighteen shillings and nine pence, be abated, and that the Treasurer of this Commonwealth be, and he is hereby directed to discharge the said town of *Waltham*, the aforesaid sum of fifteen pounds eighteen shillings and nine pence, in part of said State tax No. 3.

LXXXVII.

Resolve on the petition of the Assessors of the plantation called *Lewiston*, empowering them to assess the inhabitants for the sum of forty-two pounds, and directidg the Collectors to collect the same. July 1, 1785.

On the petition of the Assessors of the plantation of *Lewiston*, praying that they might be authorized to assess the inhabitants of said *Lewiston*, the sum of forty-two pounds, which they were taxed in the year 1784, as set forth in said petition:

Therefore Resolved, That the Assessors of the plantation of *Lewiston* be, and they hereby are authorized and empowered, to assess the inhabitants of the aforesaid *Lewiston*, the aforesaid sum of forty-two pounds, and that the Collector of taxes of that place be empowered and directed to collect the same, as though assessed in the year 1784.

LXXXVIII.

Resolve on the petition of *Benjamin Fisk* and *Jotham Bush*, discharging certain real estate from recognizances and executions. July 1, 1785.

Whereas *Benjamin Fisk*, among other things, hath represented to this Court, that he recognized in the sum of two hundred pounds, and with *Jotham Busb*, as his surety in another recognizance for the sum of one hundred pounds; each conditioned for the appearance of the said *Benjamin* at the Supreme Judicial Court, holden at *Worcester*, and that a writ of *scire facias* issued against him, and another against him and the said *Jotham*, in favor of the Commonwealth, on the said recognizance, which writs were returnable at the Supreme Judicial Court, holden at *Worcester*, on the Tuesday next preceding the last Tuesday in *April, A. D. 1784*, at which Court the said *Benjamin* and *Jotham* appeared to defend the suits so commenced against them; but by reason of sickness in their counsel, the pleas in bar were not filed at the day agreed on, whereby judgment was rendered against the said *Benjamin* for the sum of two hundred pounds and costs, and against the said *Benjamin* and *Jotham*, for the said sums of one hundred pounds each, and costs; and executions have issued accordingly. And whereas it is also represented that the said *Benjamin*, after recognizing as aforesaid, sold his real estate to *David Patterson*, for a valuable consideration, neither the said *Benjamin* or *David* then suspecting the same was bound by said recognizance; and that should the said executions be levied on the same real estate, the said *Benjamin*, is now unable to satisfy the said *David* in that behalf, or to indemnify the said *Jotham*:

Therefore Resolved, That the said real estate sold as aforesaid be, and the same is hereby discharged of, and from the said recognizance and executions aforesaid.

LXXXIX:

Letter from *Thomas Carlton*, Governor of *New-Brunswick*, and resolve requesting the Governor to transmit said letter to the delegates of this State in Congress, to be communicated. July 1, 1785.

St. John, (New-Brunswick,)

S I R,

June 21, 1785.

IN consequence of a letter from your Excellency to the Governor of *Nova-Scotia*, which has been transmitted to his Majesty's Ministers, respecting the boundary between this Province and the State of *Massachusetts-Bay*, I have it in charge to inform your Excellency, that the *Great St. Croix*, called *Scoodiac*, by the Indians, was not only considered by the Court of *Great-Britain*, as the River intended and agreed upon by the treaty to form a part of that boundary, but a numerous body of loyal Refugees, immediately after the peace, built the town of *St. Andrews*, on the eastern bank thereof,—and in fact it is the only River on that side of the Province, of either such magnitude or extent, as could have led to the idea of proposing it as a limit between two large and spacious countries.

In making this communication concerning a point of great public importance, I cannot entertain a doubt, Sir, of your Excellency's concurrence with me in contributing to the compleat observance of the treaty, subsisting between *Great-Britain* and the *United States of America*, as far as may in any instance immediately respect the State of *Massachusetts*, and the Province of *New-Brunswick*,
and

and I hope and am persuaded, that if any further question on this subject should arise between us, it will be considered on both sides with a temper and attention essential for the preservation of national peace and harmony.

I have the honor to be
your Excellency's
most obedient and
most humble servant,

THOMAS CARLETON.

His Excellency Governor HANCOCK.

Resolved, That his Excellency the Governor be desired to transmit a copy of the foregoing letter to the delegates of this State in Congress, to be by them communicated to the *United States* in Congress assembled.

XC.

Resolve on his Excellency's message of the 25th June, 1785, requesting him, with advice of Council, to take order relative to the block-house at *Machias*. July 1, 1785.

On the message of his Excellency the Governor, of the 25th of June instant :

Resolved, That his Excellency, with the advice of Council be, and he is hereby requested to give such orders respecting the block-house at *Machias*, in the county of *Lincoln*, either for selling or otherwise disposing of the same, as shall appear to be most for the security and interest of this Commonwealth.

XCI.

Resolve on the petition of *Francis Shirliff*, to notify *Isaiab Cushman* to shew cause, &c. July 1, 1785.

On the petition of *Francis Shirliff*, in behalf of the town of *Plymton*, praying for a new trial on a certain action brought in the county of *Cumberland*, by one *Isaiab Cushman*, against the inhabitants of said *Plymton*, as set forth in said petition :

Resolved, That the petitioner notify the said *Isaiab Cushman*, that he appear and shew cause, if any he has, on the second Wednesday of the next sitting of the General Court, by leaving an attested copy of his petition, and this resolve at the last and usual place of his abode, at least fourteen days before the next sitting of the said General Court, and that execution be stayed in the mean time.

XCII.

Resolve on the Governor's message relative to the resignation of *Mr. Inlay*, requesting the Governor, with advice of Council, upon a new appointment. July 1, 1785.

Whereas

Whereas *William Imlay*, Esq; has resigned the office for settling the accounts of the Commonwealth, against the *United States of America*; and it may be expected that another person will soon be appointed to succeed him, the approbation of whom will pertain to the executive, or the delegates of the Commonwealth attending in Congress, which business may most conveniently be executed by the Governor, with advice of Council :

Therefore Resolved, That the person who is or may be appointed to succeed the said *William Imlay*, Esq; in the office aforesaid, may be approved or disapproved, as the case may require, by his Excellency the Governor with advice of Council, and not otherwise.

XCIII.

Resolve on the petition of *Afa Narramore*, directing the Treasurer in this case. July 1, 1785.

On the petition of *Afa Narramore*, praying for a compensation for his services in the army, &c. as set forth in said petition :

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed, to give security to the said *Afa*, for his wages as a private soldier, during the term of his captivity, viz. from *October 19, A. D. 1780*, to *June 24, A. D. 1784*, in the same manner as though he the said *Afa* had been in actual service during the term aforesaid, which wages amount to the sum of eighty-eight pounds five shillings and four pence, the same to be charged to the *United States*.

XCIV.

Resolve on the petition of *Lemuel Burrell*, to notify the adverse party. July 1, 1785.

On the petition of *Lemuel Burrell*, representing that he had lost his law through mistake; that he applied to the Secretary's office for the copy of his petition preferred in *March* last, and a resolve of the General Court, passed the eighteenth day of *March*, 1785, thereon, which was mislaid, and praying they may be renewed in his favour :

Resolved, That the petitioner notify *David Sanderson*, the adverse party, to appear and shew cause, (if any he has) on the second Wednesday of the next sitting of the General Court, why the prayer thereof should not be granted, by leaving an attested copy of this petition and an order thereon, with the said *David*, fourteen days at least before the said second Wednesday, and that execution be stayed in the mean time.

XCV.

Resolve pensioning *Samuel Anger* one third pay, until further order. July 1, 1785.

On the representation of *John Lucas*, Commissary of Pensioners, in behalf of *Samuel Anger*, a soldier in *Col. Brooks's* regiment, in *Captain Gardner's* company, who was wounded while in the service of the *United States*, by a ball entering his right shoulder, which has rendered him very unfit for business :

M

Resolved

Resolved, That there be granted to the said *Samuel Anger*, a pension of one third pay, from *November 1776*, until the further order of the General Court or of Congress:

XCVI.
Resolve empowering the Justices of the Court of General Sessions of the Peace for the county of *Worcester*, to levy a tax on the inhabitants agreeable to law. July 1, 1785.

On the estimate of the Justices of the Court of General Sessions of the Peace for the county of *Worcester* :

Resolved, That the Justices of the Court of General Sessions of the Peace for the county of *Worcester*, be, and they are hereby authorized and empowered to levy a tax of nine hundred pounds on the inhabitants of said county, in manner and form, and for such uses and purposes, as is by law provided.

XCVII.
Resolve granting seventy pounds seventeen shillings and six pence, to *Jabez Hatch*, Esq; late Deputy-Quarter-Master-General, to pay to the Selectmen of *Westfield*, out of the second moiety of the Continental tax, for teaming in 1781, of stores for the army, to be charged to the *United States*. July 1, 1785.

Whereas the Selectmen of the town of *Westfield*, in consequence of a letter from his late Excellency Governor *Hancock*, in the year 1781, supplied the Continental Quarter-Master at *Springfield*, with a number of teams for the transportation of public stores to *Great-Barrington*, which service they performed, and it appears they are greatly distressed by reason of the non-payment of their just demand, amounting to the sum of seventy pounds seventeen shillings and six pence :

Therefore Resolved, That there be paid out of the second moiety of the Continental tax, to *Jabez Hatch*, Esq; late Deputy-Quarter-Master-General, the sum of seventy pounds, seventeen shillings and six pence, to be by him paid to the Selectmen of *Westfield*, in behalf of said town, in full discharge of the monies due to them for a number of teams furnished the Quarter-Master at *Springfield*, in the year 1781, for the transportation of public stores to *Great-Barrington*, for the Continental army,—and that the same sum be charged to the *United States*, in part of the requisition of Congress, which said second moiety is appropriated to discharge.

XCVIII.

Resolve on the petition of *Isaac Coit*, in behalf of *Stephen Sexton* and others, granting to *Jabez Hatch*, late Deputy-Quarter-Master-General, the sum of forty-eight pounds sixteen shillings, out of the second moiety of the Continental tax, for transportation of stores to the army, in 1781. July 1, 1785.

On

On the petition of *Isaac Coit*, in behalf of *Stephen Sexton*, *Moses Noble*, *Jonab Stiles* and *Joseph Campbell*, praying for an allowance made them for transporting a quantity of cloathing from the town of *Springfield* to *Clavarak*, as set forth in said petition :

Resolved, That there be paid out of the second moiety of the Continental tax, to *Jabez Hatch*, Esq; Deputy-Quarter-Master-General, the sum of forty-eight pounds sixteen shillings; to be by him paid to the said *Isaac Coit*, in behalf of the above-said *Stephen Sexton*, *Moses Noble*, *Jonab Stiles* and *Joseph Campbell*, in full discharge for their transporting the above said cloathing from *Springfield* to *Clavarak*, in the year 1781, and that the same sum be charged to the *United States*, in part of the requisition of Congress, which said second moiety is appropriated to discharge.

XCIX.

Resolve making grants to the Secretary, Treasurer and Commissary-General.

July 1, 1785.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to *Thomas Ivers*, Esq; Treasurer and Receiver-General, the sum of four hundred and fifty-five pounds eleven shillings and two pence, in full for his services as Treasurer and Receiver-General, up to the first day of *June* last inclusive, being at the rate of four hundred pounds per annum.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to *John Avery*, Esq; Secretary of this Commonwealth, the sum of eighty-three pounds six shillings and six pence, which, with fifty pounds the said Secretary has received in fees from *January* first, up to the first of *June* last, is in full for his services as Secretary aforesaid, to the first of *June* last; and is at the rate of three hundred and twenty pounds per annum.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to *Richard Devens*, Esq; Commissary-General of this Commonwealth, the sum of two hundred and eighty pounds, for his services from *June* first, 1782, to *June* first, 1783; and the sum of two hundred and fifty pounds, for his services from *June* first, 1783, to *June* first, 1784, and the further sum of two hundred pounds, in full to *June* first, 1785, for his services as Commissary-General of this Commonwealth.

C.

Resolve on the petition of the Selectmen of the town of *Barre*, to notify *Joseph Black*, to shew cause, &c. July 1, 1785.

On the petition of the Selectmen of the town of *Barre*, praying that execution in favor of *Joseph Black* should be stayed :

Resolved, That the petitioners notify the said *Joseph Black*, or his attorney, to shew cause, (if any he has) on the second Thursday of the next sitting of the General Court, why the prayer of the said petition should not be granted, by serving the said *Joseph Black* or his attorney, with an attested copy of their petition, and this order thereon, at least ten days before the said second Thursday of the next session, and that the execution of the said *Black* against the said town of *Barre*, in the mean time, be stayed.

CI.

Resolve on the petition of *Erastus Sergeant* and others, from the several towns in the county of *Berkshire*, remitting and discharging from all penalties incurred by breach of any laws, for preventing the spreading the small-pox. July 1, 1785.

On the petition of *Erastus Sergeant*, *John Patterson*, and others, Representatives from the several towns in the county of *Berkshire*, setting forth, that a number of the inhabitants in the several towns in said county, had inoculated themselves and families for the small-pox, for fear of receiving that infectious disease in the natural way, from some persons that brought the same into the several towns in said county, and the above inhabitants receiving the small-pox by inoculation, being contrary to law, have rendered themselves liable to fines and penalties, without some relief from this Court :

Therefore Resolved, That all and every person, being inhabitants of either of the towns in the county of *Berkshire*, that have received the small-pox, either in the natural way, or by inoculation, in any of the towns aforesaid, at any time between the first day of *November*, A. D. 1784, and the tenth day of *June*, 1785, be, and they are hereby remitted and discharged from all penalties incurred by breach of any of the laws of this Commonwealth, for preventing the spreading of the small-pox, any law or resolve to the contrary notwithstanding.

Provided nevertbeless, That all and every of the above described inhabitants, against whom any actions or presentments shall have taken place before the passing of this resolve, are, and they shall be holden to the payment of all legal charges that may have arisen in consequence of said actions or presentments, any thing in this resolve to the contrary notwithstanding.

CII.

Resolve on the petition of *Joseph Root*, in behalf of *Hezekiah Root*, authorizing the inhabitants of *Belchertown*, to choose a person to collect the rate bills mentioned, and empowering the Assessors in this case. July 1, 1785.

Whereas it appears to this Court, by the petition of *Joseph Root*, in behalf of *Hezekiah Root*, jun. of *Belchertown*, in the county of *Hampshire*, that he the said *Hezekiah* was chosen Constable for said town, in the year 1782, and had sundry rate-bills committed to him to collect, to the amount of more than five hundred pounds, payable to the Treasurer of this Commonwealth, and that in the year 1784, the said Treasurer issued his execution against the said *Hezekiah*, who thereupon was committed to the goal in *Northampton*, in said county :

And it further appearing, That there now remains due to this Commonwealth more than three hundred pounds, uncollected by the said *Hezekiah* on the said rate-bills, for the Continental taxes of No. 1, and No. 2 ; and that the Selectmen of said *Belchertown* have now in their possession the said rate-bills delivered to them by the said *Hezekiah*, since his commitment to said goal ; but the said town are not authorized by law to choose another Collector, to compleat the collection on said bills, and the interposition of this Court appearing to be necessary for that purpose :

Therefore

Therefore Resolved, That the inhabitants of the town of *Belchertown* be, and they are hereby authorized and empowered, at a legal town-meeting to be called for that purpose, to choose some suitable person to compleat the collection of said rate-bills, (he being first sworn as other Collectors are by law) and to account in the same way and manner as the said *Hezekiah* was by law obliged to do.

And be it further Resolved, That the Collector which may be chosen as aforesaid, is hereby authorized and empowered to collect all town and county rates, which remain uncollected by the said *Hezekiah*.

And it is further Resolved, That the Assessors of the said town of *Belchertown* be, and they are hereby authorized and empowered to grant to said Collector, who may be chosen as aforesaid, such warrant or warrants as may forward said collection, as by law they are enabled to grant in other cases, any law to the contrary notwithstanding.

CIII.

Resolve directing the Treasurer to obtain payment of certain bonds and notes in his hands. July 1, 1785.

The Treasurer of this Commonwealth having represented to this Court, that there are several bonds and notes due from sundry persons to the Commonwealth, amounting in the whole to four thousand two hundred and two pounds two shillings :

Therefore Resolved, That the Treasurer be, and he is hereby directed, to call upon the several persons from whom the above said sums are due, that they pay the same into the Treasurer's office without delay, except such as may have demands against the Commonwealth, (other than public securities) to the amount of their obligations, and if they do not pay the same on or before the first day of *November* next, then the Treasurer is hereby directed to put their several obligations in suit, without any further delay.

CIV.

Resolve on Treasurer's account for the county of *Worcester*. July 1, 1785.

Whereas it appears upon examination of the Treasurer's accounts for the county of *Worcester*, that they are right cast and well vouched, that all the monies granted and allowed by the Court of General Sessions of the Peace for the said county, were for such purposes and appropriations as by law the said Court were allowed to grant :

Therefore Resolved, That the said accounts be accepted and allowed.

CV.

Resolve on the petition of *Elijah Reed*, for staying an execution. July 1, 1785.

On the petition of *Elijah Reed*, representing that he had purchased a quantity of land of the committee for the sale of confiscated estates in the county of *Bristol*, that he had not been able to comply with the conditions of the said purchase, by reason of the Government's not paying him, for which he had been sued, judgment recovered and execution issued against him, and praying relief :

Resolved, That the execution in favour of this Commonwealth, against the said *Elijah Reed*, be stayed until nine months, and that the committee for the sale of confiscated estates in the county of *Bristol* be, and they are hereby directed to govern themselves accordingly.

CVI.

Resolve appointing *James Bancroft*, Esq; a committee to procure the pay rolls for the nine months men raised in 1779, and authorizing him to obtain the same on the best terms he can. July 1, 1785.

Whereas by a resolve of June 8, 1779, two thousand men were ordered to be raised to reinforce the Continental army, to serve nine months after they appeared at the place of rendezvous; and whereas many of said men have not received pay for said service, nor any pay roll made up, whereby the sums due to said men can be known:

Therefore Resolved, That *James Bancroft*, Esq; be a committee to procure the pay rolls for the nine months men raised in the year seventeen hundred and seventy-nine, and said committee is hereby authorized to obtain said pay rolls on the best terms he can, and lay his account for trouble and expence before this Court for allowance and payment.

CVII.

Resolve on the petition of *Joseph Asbley* and *Mary Leonard*, administrators on the estate of *Col. David Leonard*, empowering the Judge of Probate in the county of *Hampshire*, to grant a longer time for creditors to bring in their claims. July 2, 1785.

On the petition of *Joseph Asbley* and *Mary Leonard*, administrators on the estate of *Col. David Leonard*, deceased, and of *John Worthington*, Esq; praying that the Judge of Probate for the county of *Hampshire*, may be authorized and empowered to allow a longer time to the creditors of said estate to bring in their claims, and to make a new apportionment of said estate, according to the second sale of said real estate.:

Resolved, That the Judge of Probate for the county of *Hampshire* be, and hereby is authorized and empowered to grant a longer time to the creditors of said estate, to bring in their claims and prove their debts, and upon the second sale of said real estate, to make another apportionment of said estate, to and among the creditors thereof, a former apportionment by him made thereon notwithstanding, and that all suits against the said administrators, for debts due from the said estate, be stayed in the mean time.

CVIII.

Resolve on the petition of *Isaac Jones*, in behalf of himself, and other managers of *Watertown* (Great-Bridge) Lottery, prolonging the time to 1787. July 2, 1785.

Whereas

Whereas the managers of the *Watertown Bridge Lottery*, have petitioned that the time limited by law for the widening and repairing the said bridge may be prolonged, and as the completing that business within that time was impracticable :

It is therefore Resolved, That the time for completing the widening and repairing the said bridge by said managers be, and it hereby is prolonged to the first day of *July*, in the year of our Lord, one thousand seven hundred and eighty-seven, any thing in the act passed *June* the twenty-second, one thousand seven hundred and eighty-four, notwithstanding.

And it is further Resolved, That the penalty of the bond given by said managers to the Treasurer of this Commonwealth, shall not be forfeited by reason that the widening and repairing said bridge is not completed by the said first day of *July*, A. D. 1785, provided the same shall be completed by the first day of *July*, in the year of our Lord, one thousand seven hundred and eighty-seven, as aforesaid.

CIX.

Resolve on the petition of *Ebenezer Harrington*, directing the Treasurer to renew the notes mentioned. *July 2, 1785.*

On the petition of *Ebenezer Harrington*, setting forth that he was possessed of a consolidated State note of nine pounds, No. 17656, which note was burnt the first day of *October*, 1783 :

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed to renew the said note for the sum of nine pounds, to the said *Ebenezer Harrington* ; and the Treasurer is further directed to require a good and sufficient bond of the said *Harrington*, previous to his renewing the said note as aforesaid, to indemnify the Commonwealth against any demand that may arise from any person or persons, by virtue of the note destroyed as aforesaid.

CX.

Resolve directing the Judge of Probate to call on agents on absentees estates. *July 2, 1785.*

Whereas it is expedient that the accounts of agents on the estates of absentees, should be brought to a final conclusion as soon as may be :

Resolved, That the several Judges of Probate in this Commonwealth, shall as soon as may be, after the first day of *December* next, put in suit or cause to be put in suit, all the bonds of agents on the estates of absentees in their respective offices, who shall not, on or before the said first day of *December*, have finally closed their respective accounts.

And it is further Resolved, That the said Judge of Probate, shall as soon as may be, give notice to the said agents in their respective counties, their executors, administrators, or sureties, of this resolve.

Provided always however, That nothing in this resolve shall extend to any agent, who in the opinion of the Judge of Probate, to whom he is accountable, has not been guilty of neglect.

And

And it is further Resolved, That the respective Judges of Probate, shall as soon as may be, after the said first day of *December*, transmit to the Secretary of this Commonwealth, the names of the several agents aforesaid, whose accounts shall then remain unsettled, and whose bonds shall not have been put in suit, and the causes of delaying the same.

CXI.

Resolve on the petition of *William Whiting*, directing pay for his attendance as a Representative. July 2, 1785.

Whereas *William Whiting*, Esq; attended the House of Representatives, from the 28th of *August*, to the 18th of *September*, (both days included) in the year 1776, as Representative from *Great-Barrington*, but by mistake was not made up in the pay roll, nor hath since received any allowance therefor :

Ordered, That there be allowed to the said *William Whiting*, in the pay roll of the present session, for his travel to, and attendance in the said House of Representatives, the sum of nine pounds, being at the rate of five shillings by the day, the same to be charged to said *Great-Barrington*, in the next State tax.

CXII.

Resolve on the petition of *William Lusk*, in behalf of the town of *Richmond*, directing the Treasurer to credit said town, with sixty-eight pounds eighteen shillings and eight pence. July 2, 1785.

On the petition of *William Lusk*, in behalf of the town of *Richmond*, representing that the said town was fined in *May* tax, 1781, for a deficiency, of six men to serve for the term of three months, agreeably to a resolve of the General Court, dated *June 22*, 1780; and whereas it appears to this Court, by the Muster-Master's certificates, that the said town of *Richmond*, did raise five of the said men, within the time limited by said resolve, and by the certificate of Capt. *William Ford*, that four of them did serve agreeably to said resolve :

Resolved, That the Treasurer of this Commonwealth be, and he is hereby empowered and directed to credit the town of *Richmond*, sixty-eight pounds eighteen shillings and eight pence, on the tax for 1783, that being the amount of the average price and fines for four men.

CXIII.

Resolve on the petition of *Richard Cranch*, Esq; and others, a committee for selling absentees estates in the county of *Suffolk*, directing the Treasurer to discharge the execution mentioned. July 2, 1785.

Whereas the committee for sale of confiscated estates in the county of *Suffolk*, sold a certain confiscated estate in said county, belonging to *Edward Foster*, an absentee, and warranted the same, in behalf of this Commonwealth,

to one *Levi Lane*, who purchased the said estate at public auction; the neat proceeds whereof (being four hundred and twenty-three pounds, and eighteen shillings) the said committee paid into the public treasury in *June*, 1782, as appears by the certificate of the committee, who settled the said account. And whereas it afterwards appeared, that the said estate was under mortgage to the Hon. *John Erving*, Esq; who brought an action of ejectment against the tenant, *Levi Lane*, the purchaser aforesaid, and received judgment of possession against the said *Levi Lane*, unless he pay the said *Erving*, the sum of four hundred and seventy-eight pounds ten shillings and two pence, being the present debt and costs, which sum the committee aforesaid, by virtue of their warrantee to said *Lane*, are now liable to pay, or have their own lands taken in execution for the same: *Therefore*

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed to discharge the said execution, by paying the said sum to the said *Levi Lane*.

CXIV.

Resolve making an allowance to the President, Speaker and Clerks. *July*
2, 1785.

Resolved, That there be granted and paid out of the public treasury of this Commonwealth, to the Hon. *Samuel Phillips*, jun. Esq; President of the Senate, the sum of six shillings per day, for each day's attendance the present session of the General Court; to the Hon. *Nathaniel Gorham*, Esq; Speaker of the House of Representatives, the sum of six shillings per day, for each day's attendance on the General Court, over and above their respective pay as members thereof.

And be it further Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to Mr. *George Richards Minot*, Clerk of the House of Representatives, and also to Mr. *Samuel Cooper*, Clerk of the Hon. Senate, the sum of forty pounds, each in part for their services the present year.

CXV.

Resolve on his Excellency's message of the 20th of *June*, 1785, requesting his Excellency to carry the resolve of Congress of *November*, 1783, as he may judge best, into execution, and directing the agents to exhibit their accounts, by a resolve of Congress of *May*, 1785. *July* 2, 1785.

Whereas by a resolve of Congress of the third of *November*, 1783, it is *Resolved*, That the Regimental Agents, (belonging to this Commonwealth) shall deliver the certificates for the arrears of pay due to the officers and soldiers of this State's line of the *American* army, to the said officers and soldiers, or deposit them for their benefit, as the Supreme Executive of this State shall order and direct:

Resolved, That his Excellency the Governor be requested, with advice of Council, to take such order thereon, as he may judge best to carry said resolve into execution.

And whereas, by a resolve of Congress of the twenty-seventh of May, 1785, this Court is requested to make reasonable allowances to the aforesaid agents, for their time and expence in delivering the certificates aforesaid :

Resolved, That said agents exhibit their accounts to the General Court, for allowance and payment, the same to be charged to the United States.

CXVI.

Resolve on the petition of the Hon. *George Partridge*, Esq; granting him twenty-two pounds fifteen shillings, in full discharge for his expenditures at Congress, to the 15th of *March*, 1785. July 2, 1785.

On the petition of the Hon. *George Partridge*, Esq; praying for the adjustment of his account as member of Congress :

Resolved, That there be paid out of the treasury of this Commonwealth, to the Hon. *George Partridge*, Esq; in addition to the warrants of two hundred pounds already received, the sum of twenty-two pounds fifteen shillings, in full discharge of his expenditures and attendance as a delegate for this Commonwealth at Congress, from the first day of *November*, 1784, to the fifteenth day of *March*, 1785, inclusive.

CXVII.

Resolve on the petition of *Joseph Smith*, in behalf of *Hannah Olds*, allowing notes out of the treasury bearing date first of *January*, 1782. July 2, 1785.

On the petition of *Joseph Smith*, in behalf of *Hannah Olds*, administratrix on the estate of *Jonathan Olds*, late of *Belchertown*, deceased :

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the aforesaid *Hannah Olds*, in notes, being due the first day of *January*, 1782, the sum of twenty-three pounds twelve shillings and ten pence, for reasons set forth in said petition.

CXVIII.

Resolve on the petition of *William Shepard*, in behalf of the inhabitants of the town of *Westfield*, for staying all legal process, on account of the premises, till the next session of the General Court. July 2, 1785.

On the petition of *William Shepard*, in behalf of the inhabitants of the town of *Westfield*, setting forth, that a fine is demanded of said town for their deficiency of one man of the number which they were required to raise to serve in the Continental army, in the year of our Lord, 1782, and praying that they may be free'd from a liability to pay said fine, for reasons set forth in the petition :

Resolved, That the prayer of the said petition be so far granted, as that all legal process and proceedings on account of the premises, be stayed till the second Wednesday of the next session of the General Court, and that the further consideration of the matters contained in said petition, be referred to the same Wednesday.

CXIX.

Letter to the delegates of this Commonwealth in Congress, relative to the settlement of the public accounts of this State, &c. &c. July 2, 1785.

COMMONWEALTH of MASSACHUSETTS.

GENTLEMEN,

THE diminution of our public debt, and the establishment of public credit, are considered by this Court, as objects of the highest importance; it therefore gives no small anxiety to this Legislature, to find that some States in the Union have paid no part of the last requisition of Congress, and that others have applied the monies raised for the use of Congress, to the payment of the particular demands of their own citizens against the United States.

This Legislature conceives it necessary, that some measure should be speedily adopted for obtaining from the several States their just proportion of the general expence:—You are therefore instructed to use your influence in Congress for that purpose; and also in every instance to remonstrate where monies raised for the use of Congress have been by any State specially applied to the payment of their own citizens, for demands against the United States. No endeavors on your side, it is presumed, will be wanting, that frugality and economy be adopted and invariably adhered to in the several departments of the federal government; and that the public expences be as much as possible lessened, and the most effectual measures taken for satisfying the creditors of the United States: It is not only the wish of the Legislature, that no more money be borrowed by the United States; but it is their instruction, that you do not give your assent thereto, unless on some pressing and urgent occasion, and not then, except the necessity appears in a degree inevitable. It has been the expectation of this Court, that the accounts of this Commonwealth against the United States, would by this time have been passed upon and closed; but to our great disappointment, the settlement has not as yet extended to 1776: the committee on the part of this State, have ever been ready; this committee have been continued at a very great expence. The delay on the part of the United States, is become a grievance, and justice to our constituents, obliges us to complain:—The mode pursued by the late Commissioner, in the settlement of accounts, and as directed by the late Financier, if strictly adhered to, will not, we apprehend, accomplish the purpose wished for, in a term less than twenty or thirty years; you will therefore move in Congress, that the Commissioner that may be appointed for this State, be directed to attend in Boston, and apply himself to the business of settling the accounts of this State, with the United States, until he has accomplished the same. And that you may more fully comprehend the sense of this Court, upon the mode of settling the accounts, you are referred to the settlements of the committee for stating and methodizing the public accounts, now enclosed.

In raising the detachments of the militia, to be employed as guards for the western service, your endeavours to guard against the first tendencies towards the keeping up a standing army in the time of peace, have obtained the approbation of this Court;—this State will not however in any future detachment for that purpose, decline furnishing its quota of militia, it being upon the whole conceived to be eligible.

In

In Senate, July, 2, 1785. Read and accepted, and thereupon ordered, That his Excellency the Governor be requested, in behalf of the General Court, to sign and transmit the foregoing letter to the delegates of this Commonwealth in Congress.

Sent down for concurrence.

In the House of Representatives.

Read and concurred.

CXX.

Resolve on the petition of *William Williams*, allowing him four pounds twelve shillings. July 2, 1785.

On the petition of *William Williams*, Esq; praying for the payment of his account, in performance of services by order of the General Court, in pursuance of an act passed *January, 1773* :

Resolved, That there be paid to the said *William Williams*, Esq; out of the treasury of this Commonwealth, the sum of four pounds twelve shillings and an half penny, in full satisfaction of his said demand.

CXXI.

Resolve on the petition of *John Burghard*, the third, of *Great-Barrington*, empowering him to make any plea of defence, which he might originally have made in the action mentioned. July 2, 1785.

On the petition of *John Burghard* the third, of *Great-Barrington*, in the county of *Bershire*, praying that the default in an action of trespass now depending in the Supreme Judicial Court in the said county, in which *Amos Mansfield*, *John Crocker* and *John Rhodes*, were original plaintiffs, and the said *Burghard* defendant, may be taken off, and that the said *Burghard* may have day in Court, notwithstanding the said default :

Resolved, That the prayer of the said petition be granted, and that the said *John Burghard* be, and he hereby is authorized and empowered to make any plea and defence, which he might originally have made in the said action, the said *John Burghard* paying to the said *Mansfield* and others, as above-mentioned, such costs as have hitherto arisen in the said action, and should judgment finally be recovered by said *Burghard*, no cost shall be taxed for him previous to this time.

CXXII.

Resolve granting forty pounds, to Mr. *William Baker*, messenger to the General Court, for services to the 25th of *August* next. July 2, 1785.

On the petition of *William Baker*, messenger to the General Court, praying allowance for three months service, ending the 25th day of *August* next :

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, unto the said *William Baker*, the sum of forty pounds, in full for his services as messenger to the General Court, for three months, ending the twenty-fifth day of *August* next.

CXXIV.

Resolve on his Excellency's message of the 23th June last, relative to *Samuel Sterns*, a refugee, confined in *Worcester* goal, requesting the Governor to write to the delegates in Congress, upon the subject. July 2, 1785.

Resolved, That his Excellency the Governor be desired to write a letter to the delegates representing this Commonwealth in Congress, to be communicated to Congress, and informing them that it is the sense of this Legislature, that if all the facts in the petition of *Samuel Sterns* were true, they can see no cause to pay any attention to the case, for by his own representation he is now confined in goal on a judgment recovered against him, in favour of this Commonwealth, long before the treaty of peace, and for a debt actually due, and so is totally out of the provision of any article of said treaty; but on examination of the subject, it appears that the said *Sterns's* representation is entirely groundless, and that the crime with which he was charged, and for which he was recognized to answer, and from meeting which he withdrew himself, was the infamous crime of fraud, in knowingly passing counterfeit money.

CXXV.

Resolve on the representation of *Jonas Temple*, of *Sbrewsbury*. July 2, 1785.

On the petition of *Jonas Temple*, agent on the estate of *William Crawford*, of *Sbrewsbury*, in the county of *Worcester*, an absentee:

Resolved, That the Judge of Probate for the county of *Worcester*, be, and he hereby is directed to credit the said *Jonas Temple*, agent as aforesaid, in his account of agency on the estate of the said *William Crawford*, with the sum of eighty pounds; that sum being the balance for which the said agent remains accountable to the said Judge, and from which it appears that he ought to be discharged, for reasons set forth in his said petition, and the papers accompanying the same.

CXXVI.

Resolve on the petition of *John Nichols*, in behalf of the town of *Washington*, directing no process to issue against the said town for rates and taxes mentioned. July 4, 1785.

On the petition of *John Nichols*, in behalf of the town of *Washington*, touching an execution against *Haven Sherman*, and certain taxes collected by him the said *Haven*, for which the said town must be finally answerable:

Resolved, That no process issue against the said town of *Washington*, for the rates or taxes mentioned in the said petition, for the term of nine months from the passing of this resolve.

CXXVII.

Resolve discharging the committee for methodizing public accounts, and appointing two. July 4, 1785.

Whereas it appears that the business of the committee for stating and methodizing the public accounts, and for settling this State's quota of the Continental army, is so far lessened, as that the same may now be well performed by fewer persons :

Resolved, That the said committee be, and the same is hereby discharged, and that two persons be chosen in their stead by the Legislature, to execute the same powers, and perform the same business, which the said committee are now authorized to perform, and that the persons so chosen, be authorized to employ one Clerk only.

CXXVIII.

Resolve entitling the heirs of *Charles Morris*, to twenty shillings per month, from *January 1, 1777*, to *January 1, 1785*. *July 4, 1785*.

On the representation of *John Lucas*, Esq; Commissary of Pensioners, in behalf of *Charles Morris*, who was wounded in the retreat from *Quebec*, in the year one thousand seven hundred and seventy-six :

Resolved, That the heirs of *Charles Morris* as aforesaid, be entitled to twenty shillings per month, from the first day of *January*, seventeen hundred and seventy-seven, until the eighth day of *March*, seventeen hundred and eighty-five, being the time of his decease.

CXXIX.

Resolve on the petition of *Robert Walker*, directing the Judge of Probate for the county of *Berkshire*, to re-commit the commission to the Commissioners, to consider the claim mentioned. *July 4, 1785*.

On the petition of *Robert Walker*, setting forth, that the Commissioners on the estate of *Daniel Brown* of *Pittsfield*, an absentee, deceased, represented insolvent, have made return of claims to the Judge of Probate for the county of *Berkshire*, that he being absent at their time of setting, had no opportunity to exhibit his claim, that as yet there hath no distribution of said deceased's estate been made, and praying that the consideration of the premises may be committed to said Commissioners :

Resolved, That the Judge of Probate for the county of *Berkshire*, be, and he hereby is authorized and empowered to re-commit the commission to the Commissioners, to consider and report upon said claim ;—the former commission being closed notwithstanding.

CXXX.

Resolve granting to *Calvin Partridge*, Esq; for the use of the widow of *Ichabod Alden*, late of *Duxbury*, one hundred and thirty-five pounds, for one year's half pay, and four hundred and five pounds, to said *Partridge*, as guardian to the children of the said *Alden*, for three years half pay, to be paid in consolidated notes. *July 4, 1785*.

Whereas

Whereas it appears, that the widow and children of *Ichabod Alden*, late of *Duxbury*, Esq; deceased, (who lost his life in the service of the *United States*, on the 11th of *October*, 1778, while holding the rank of Colonel) are entitled to the benefit of a resolve of Congress, of the 24th of *August*, 1780 :

Resolved, That there be paid out of the treasury of the Commonwealth, to *Calvin Partridge*, Esq; for the use of the widow of the said *Alden*, the sum of one hundred and thirty-five pounds, in full for one year's half pay, due to the said widow ; and also, that the further sum of four hundred and five pounds be paid to the said *Partridge*, as guardian to the children of the said *Alden*, in full for three years half pay as aforesaid ; which sums, amounting in the whole to five hundred and forty pounds, shall be paid in consolidated notes, said notes to be dated when the sums respectively became due, and that the same be charged to the *United States*.

CXXXI.

Resolve establishing the pay of the committee for revising the laws. July 4, 1785.

Resolved, That there be paid out of the treasury of this Commonwealth, eleven shillings per day to the several members of the committee for revising the laws, in full satisfaction for that part of their time expended in that business, for which no grant hath been made ; and the Governor and Council are requested, on ascertaining the time expended as aforesaid, to cause proper warrants to be drawn for the payment of the same.

CXXXII.

Resolve on the petition of *Ann Dizer*, empowering *David Munroe*, to sell the land mentioned. July 4, 1785.

On the petition of *Ann Dizer*, praying that *David Munroe*, may be empowered to sell land in the town of *Lansford*, in the county of *Hampshire*, belonging to the estate of *John Foy*, late of *Charlestown*, deceased :

Resolved, That the prayer of said petition be granted, and that said *David Munroe* have full power and authority to sell said land, and execute a good deed or deeds of the same ; and the money arising therefrom to be disposed of, and the said *Munroe* to be accountable for the same, according to the last will and testament of the aforesaid *John Foy*.

CXXXIII.

Resolve extending the licences to sundry persons called absentees. July 4, 1785.

Whereas the Governor with advice of Council, hath granted licence to sundry persons commonly called absentees, to reside within this Commonwealth :

Resolved,

Resolved, That the licences aforesaid be, and they are hereby approved, and shall continue in force until the second Tuesday of the next sitting of the General Court, provided the Governor, with the advice of Council, shall judge the continuance of those persons in this Commonwealth, consistent with the safety thereof.

CXXXIV.

Resolve suspending a proviso in the impost and excise act, respecting subjects of the other States. July 4, 1785.

Whereas by a certain clause in an act entitled, "An act in addition to, and for the explanation of an act, entitled an act for laying duties of impost and excise on certain goods, wares and merchandize therein described, and for repealing the several laws heretofore made for that purpose," it is provided in the following words :

"*Provided nevertbeless*, That no subject in any State in the Union, shall be entitled to the benefit of the foregoing provision, unless there be an act laying duties of Impost of equal amount within such State, nor untill the Legislature of such State shall have passed a law equally beneficial to the subjects of this Commonwealth, any thing herein to the contrary notwithstanding," which at present is found inconvenient :

Therefore Resolved, That the before recited clause be, and it hereby is suspended in its operation, till the second Tuesday of the next sitting of the General Court.

CXXXV.

Resolve appointing a committee to confer with a committee from *New-Hampshire*. July 4, 1785.

Resolved, That *Benjamin Goodhue*, Esq; with such as the Hon. House may join, be a committee to confer with such gentlemen, as may be appointed by the Legislature of the State of *New-Hampshire*, for this purpose, upon such commercial regulations, to be reported to the Legislatures of this Commonwealth, and the State aforesaid, as may be mutually advantageous to both States; and his Excellency the Governor is requested to communicate this resolve to the Supreme Executive of the State aforesaid, and to request that the same may be submitted to the consideration of the Legislature thereof.

CXXXVI.

Resolve requiring the Secretary and the Treasurer to certify to the Governor and Council, the balance due to their Clerks, and requesting the Governor with advice of Council, to issue warrants in their favour. July 4, 1785.

Resolved, That the Secretary, and the Treasurer and Receiver-General be, and they hereby are required, to certify to his Excellency the Governor, and the Hon. the Council, the balances now due to the several Clerks in their respective offices, according to the usual rates of allowance; and the Governor thereupon, with advice of Council, is requested to make his warrants on the treasury for the payment of the said respective balances to the several persons to whom the same are due.

And

And it is further Resolved, That the Governor be requested, with the advice of Council, to make the usual allowance to *Jacob Kuhn*, door-keeper to the General Court, for his services the present session, and to make his warrant on the treasury, for the payment thereof.

CXXXVI.

Resolve confirming a grant of land of thirty miles square, to the heirs of Brigadier *Waldo*, on certain conditions. July 4, 1785.

The committee appointed by a resolve of the General Court, of the 28th of *October*, 1783, to examine the claims to lands in the county of *Lincoln*, &c. take leave to report,—That they have received the claims of a number of individuals and companies to different tracts of land in the county aforesaid, and have given particular attention to the grant made in the year 1629, from the Council of *Plymouth*, to *Beauchamp* and *Leverett*, whereby is given, granted and confirmed, to the said *Beauchamp* and *Leverett*, a tract of land described in the words following, *viz.* “All and singular those lands, tenements and hereditaments whatsoever, with the appurtenances thereof, in *New-England* aforesaid, which are situate, lying and being within or between a place there, commonly called and known by the name of *Muscongus*, towards the south or southwest, and a straight line extending from thence, directly ten leagues up into the main land and continent there, towards the great sea commonly called the *South-Sea*, and the utmost limits of the space of ten leagues on the north and northeast of a river in *New-England* aforesaid, commonly called *Penobscot*, towards the north and northeast, and the great sea commonly called the *Western Ocean* towards the east, and a straight and direct line extending from the most western part and point of the said straight line, which extends from *Muscongus* aforesaid towards the *South-Sea*, to the utmost northern limits of the said ten leagues on the north side of the said river *Penobscot*, towards the west.” A description,—the true intent and meaning whereof your committee find it extremely difficult to determine. They have examined all the plans of that part of the county of *Lincoln*, which they can obtain; have conferred with the representatives of the heirs of Brig. Gen. *Waldo*, and the Clerk of the Associates, as they are called, as well as with those who are not interested in the grant, but have not obtained the satisfaction they wish, as to what was intended to be the direction of the line from *Muscongus*, or what was designed to be the course and length of the bounds described in these words, *viz.* “and the utmost limits of the space of ten leagues, on the north and northeast of a river in *New-England* aforesaid, commonly called *Penobscot*, towards the north and northeast.”

On examining the records of the General Court from the year 1761, to the revolution, your committee find, that on the 23d of *February*, 1762, a committee of the then General Court, reported that it was expedient for the province to release and convey to the representatives of Brigadier-General *Waldo*, a tract of six miles in breadth, at the head of the patent to *Beauchamp* and *Leverett*, to extend from *Penobscot-River* to the line from *Muscongus*, after extending said line thirty-six miles from *Muscongus* into the country, with certain provisos, upon their (the said representatives) releasing to the

province all their right and claim to lands east of *Penobscot-River*; which they had agreed with the said committee to perform: That this report was accepted by the then General Court; and that the form of a release or quit-claim to be made by the said representatives, and of a grant to be made by the province, was concluded upon, but cannot find that either was executed: On the contrary, there was found in the files of the General Court for the year 1762, a fair copy of the grant before-mentioned, which appears to have been intended to be signed by the Governor, the President of the Council, and the Speaker of the House of Representatives, but without the signature of either.

Upon fully considering the difficulties which attend every construction of the before-mentioned patent, which has been proposed, and the great importance to the Commonwealth, as well as to individuals, that the limits of the said patent be ascertained, and finally determined, and that speedily,—your committee are of opinion, that it will be expedient for the Commonwealth to confirm to those interested in the before-mentioned grant to *Beauchamp* and *Leverett*, the tract of land contained within the following bounds, *viz.*—Beginning at the point of land east of the mouth of the river *Muscongus*, thence extending up the said river according to the general course thereof, into the country; then running from the said point of land along the sea coast, and by the bay of *Penobscot* to the mouth of the river *Penobscot*; from thence extending up the said river, until a line drawn from the said river *Penobscot* to the *Muscongus* line first mentioned, shall give and compleat a tract of land, equal to a tract of land thirty miles square, and so that the said *Muscongus* line first mentioned shall be equal in length to a right line, drawn from a point of land called *Owls-Head* to the mouth of the *Penobscot-River*, with the line extending up the said *Penobscot-River*, added thereto, together with all islands, whose center falls within three miles of any part of the lands before described,—on condition, that those interested as aforesaid, shall make and execute a release and quit-claim of all other lands (except those contained within the bounds aforesaid) by virtue of the said grant to *Beauchamp* and *Leverett*, and lodge the same in the Secretary's office, on or before the third Tuesday of the next sitting the General Court.

SAMUEL PHILLIPS,
NATHANIEL WELLS,
NATHAN DANE.

READ and accepted, and thereupon *Resolved*, That the Legislature of this Commonwealth will confirm to the heirs of the late Brigadier-General *Waldo* and others, interested in the grant to *Beauchamp* and *Leverett*, a tract of land equal to a tract thirty miles square, agreeable to the bounds of the tract recommended to be confirmed in the foregoing report (provided the same do not interfere with any prior grant) on condition that those interested as aforesaid, shall make and execute a release and quit claim of all other lands (except those contained within the bounds mentioned in the said report) by virtue of the grant to *Beauchamp* and *Leverett*, and lodge the same in the Secretary's office, on or before the second Tuesday of the next sitting of the General Court.

Provided

Provided nevertheless, that no right or rights which may have escheated to the Commonwealth, be included in the said confirmation.

Provided, That the said claimants, or some of them, shall give bonds to the Treasurer of this Commonwealth, in the penalty of three thousand pounds, conditioned that such of said claimants as are of age, shall execute a release of all their right, title and interest in and to any of the lands under said grant or patent, and that such of said claimants or patentees as are now under the age of twenty-one years, shall execute such release within six months after they shall arrive at that age.

Provided also, That any person who may now be in possession of any lands within the limits of said patent, and who have been in possession of the same from any time before the 19th day of *April*, shall be quieted in such possession, upon such terms as shall hereafter be determined upon by the General Court.

And the Secretary is hereby directed to cause this resolve to be published in the *Independent Chronicle*, six weeks successively.

Received of the Treasurer of the
County of [unclear] the sum of
[unclear] Dollars
for [unclear]

Witness my hand and seal of office
this [unclear] day of [unclear] 1870

[unclear]

1785 to 1786

To satisfy that balance our money is exported ; which, with all the means of remittance at present in our power, falls very short of a sufficiency.

Those means, which have been greatly lessened by the war, are gradually enlarging ; but they cannot soon increase to their former amplitude, so long as Britain and other nations continue the commercial systems they have adopted since the war. Those nations have an undoubted right to regulate their trade with us, and to admit into their ports, on their own terms, the vessels and cargoes that go from the United States, or to refuse an admittance ; their own interest, or their sense of it, being the only principle to dictate those regulations, where no treaty of commerce is subsisting.

The United States have the same right, and can, and ought to regulate their foreign trade on the same principle : But it is a misfortune, that Congress have not yet been authorized for that purpose by all the States. If there be any thing wanting on the part of this State to complete that authority, it lies with you, gentlemen, to bring it forward and mature it ; and until Congress shall ordain the necessary regulations, you will please to consider what further is needful to be done on our part, to remedy the evils, of which the merchant, the tradesman and manufacturer, and indeed every other description of persons among us, so justly complain.

Those evils, so far as they arise from the contracted system adopted by Britain, will be felt by herself ; for it not only abridges the means of paying the great balance due to her, but must necessarily lessen the future demand for her manufactures ; in consequence of which it may be expected that her merchants and manufacturers, when they shall fully experience those effects, of which they are already sensible, will petition their parliament to take off the duties and restraints, to which the new regulations have subjected the American trade.

Though we feel a present inconvenience from those regulations, they will eventually produce a happy effect, by lessening the use of British commodities, most of which are superfluous and unnecessary, and compelling us to adopt a plan of frugality and œconomy, the want of which is the principal source of our difficulties.

Lately emerged from a bloody and expensive war,—a heavy debt upon us in consequence of it,—our finances deranged, and our credit to re-establish, it will require time to remove those difficulties. The removal of them must be effected in the same way a prudent individual, in like circumstances, would adopt : by retrenching unnecessary expences, adopting a strict œconomy, providing means of lessening his debt, duly paying the interest of it, and manifesting to his creditors and the world, that in all his transactions he is guided by the principles of honour and strict honesty. In this way, and this only, public credit can be maintained or restored : and when government, by an undeviating adherence to those principles, shall have firmly established it, they will have the satisfaction to see, that they can obtain loans in preference to all borrowers whatever. In such credit was the government by a steady adherence to those principles, that for many years prior to the late war, they could command money on loan to a far greater amount than the public necessities required.

When that time shall again arrive, our public difficulties, arising from the present state of our finances, will be at an end. To hasten it is my duty and wish, and shall be the object of my earnest endeavour. For that purpose

pose, if I am not mistaken, a fund may be established for the regular payment of a considerable part of the interest of the public debt. This fund, with other funds that may possibly be devised, may within a reasonable time greatly lessen that debt, and finally discharge it. What will serve to recommend it, if it should meet with your approbation, is, that it will not be burthensome to the people, and that most of them will be able to pay their proportion of it with certainty and punctuality. On this subject, gentlemen; I shall send you a particular message.

It is of great importance, and the happiness of the United States depends upon it, that Congress should be vested with all the powers necessary to preserve the union, to manage the general concerns of it, and secure and promote its common interest. *That* interest, so far as it is dependent on a commercial intercourse with foreign nations, the confederation does not sufficiently provide for; and this State, and the United States in general, are now experiencing, by the operation of their trade with some of those nations, particularly Great-Britain, the want of such a provision.

This deficiency of power may be the result of a just principle, a caution to preserve to each State all the powers not necessary to be delegated: With respect to which, as there was room for a variety of opinions concerning them, they could not all be certainly known at the time of forming the confederation. Experience however, has shewn the necessity of delegating to Congress further powers; which on the same principle of caution, might be limited to a certain time, and afterwards continued, or altered, at the pleasure of the United States.

This matter, gentlemen, merits your attention; and if you think that Congress should be vested with ampler powers, and that special delegates from the States should be convened to settle and define them, you will take the necessary measures for obtaining such a Convention or Congress, whose agreement, when confirmed by the States, would ascertain those powers.

The state of the treasury, and of the public debt, as soon as it shall be prepared by the Treasurer, I shall lay before you, with such observations as shall occur to me upon the subject. There are other matters, which I shall lay before you by message.

In the mean time gentlemen, be assured, that in every measure you shall adopt, contributive to the public happiness, my duty and inclination will lead me to concur with you. And as that happiness so essentially depends on internal peace and mutual confidence among ourselves, it shall be my endeavour to cultivate them universally; especially in, and with, the General Court.

To that point if all our views are uniformly and conscientiously directed, we cannot fail, with the blessing of heaven, to obtain it. But on the other hand, as the effect must follow from its cause, a contrary conduct will be productive of public infelicity.

It depends on ourselves, and particularly on the principles, which shall guide the transactions of the General Court, whether we shall be a happy or an unhappy people.

JAMES BOWDOIN.

COUNCIL-CHAMBER, May 31, 1785.

After delivery of the Speech, the Governour, attended as before, returned to the Council-Chamber.

THURSDAY,

THURSDAY, June 2, 1785.

The Governour sent the following message to the two Houses, relative to pot-ash, and pearl-ash.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I HAVE intimated to you the probability that a fund might be established for discharging a considerable part of the interest of the public debt. I think this may be done by converting into money a valuable manufacture, to which the State is amply competent, and of which a large quantity might be collected by tax, and sold for the use of the government. The manufacture to which I refer, is pot-ash and pearl-ash.

Of those articles a thousand tons annually, for several years, prior to the war, were exported from this State, and most of that quantity was manufactured within it; for which the manufacturers received at a medium, and might now receive for it, at the same rate, at least, *thirty thousand pounds* per annum.

This manufacture, which could be carried to a much greater extent, might be applied to the direct use of the State, and very greatly to its benefit.

For that purpose, each town, or several towns as a joint district, might erect, at their own expence, a manufactory, to which the inhabitants should bring their ashes, or the rough salts made from them, where they should be manufactured into pot-ash and pearl-ash; of which, the quantity required of each town should be delivered at such times and places as the act of the General Court should order; and in case of any deficiency, the deficient quantity should be paid to the Treasurer, in money, at such a rate as the act should prescribe.

In this way, a large quantity, the property of the State, might with ease be collected, which, if merchantable, or made by a given process according to a certain standard, (to which circumstance a strict attention should be paid) would be purchased for exportation; and the money arising from the sale paid into the public treasury, to be applied as the act should order.

To guard against imposition from the purchasers, and to secure a vent for it in case the whole could not in season be sold here, a part, or the overplus, might be shipped on the government account to foreign markets on freight, or in vessels in the service of the government; and for the net product, bills of exchange might be sold here, or the money for it might be imported, and lodged in the treasury, to be applied agreeably to the act.

Here, gentlemen, is exhibited a concise view of the fund, and the means of establishing it. If you approve this general idea of it, a committee may consider its several parts, and bring them to a regular system, which, it is probable, would be productive of a considerable yearly revenue to the Commonwealth.

Several years ago, I took the liberty of proposing to divers members of the General Court this mode of raising a fund, that on the credit of it money might be obtained in *Europe* on loan; but in the discussion of it in the House of Representatives, there appeared so many objections to it, arising from the war, that it was then thought impracticable; but those objections are now removed, and if there be any other, they probably may be obviated.

To

To every mode of taxation objections may be made; but this mode seems less liable to them than any that has occurred to me. The facility with which such a tax may be paid, and the numerous advantages that will probably arise from it, are the motives which induce me to propose it.

As to the facility of payment, every family in the State, from the necessary consumption of wood, and without any additional expence, can furnish ashes towards their share of the tax; and people in the inland towns in general, and in the new towns and plantations in particular, in the same way, and by clearing their lands, can furnish more than their proportion, and can supply the deficient. For these ashes, or for the rough salts, by an easy process procured from them, on their being sent to the town or district factory, its manager will credit the respective persons who shall send them. And it will be incumbent on each town, from time to time, to send from its factory, agreeable to the standard, the quantity of pot-ash and pearl-ash required of it; on the delivery of which, according to the act, the receiving officer will give a receipt for, and enter it in account, to the credit of the town.

In regard to the advantages to be expected from such a tax,—it will establish a most valuable manufacture, by means of which, an equal value of gold and silver, which the experience of mankind has determined to be the only proper currency or medium of exchange, would be retained within the State, or brought into it. It would provide, with ease and certainty, if sufficiently large, the means of gradually paying the great debt of the State. It would restore public credit; beget a confidence in government; make loans on future occasions obtainable; clear our lands; encourage agriculture; promote industry; furnish the merchant with a valuable export for remittance; increase our navigation and commerce; and, in consequence of these desirable effects, remove many of the difficulties of which, at present, there is so much reason to complain.

These expected benefits are not merely ideal: they will naturally result from the establishment of the grosser manufactures, to which the nature of our soil and climate are best adapted. Of this description is the manufacture above-mentioned; and the establishment of it to any considerable degree, or to an extent productive of those benefits, will depend on the tax-act proposed: which, however, may be defeated, if unhappily any future acts of the legislature should have a counter operation.

JAMES BOWDOIN.

COUNCIL-CHAMBER, June 2, 1785.

SATURDAY, June 4, 1785.

The two Houses sent to the Governour the following reply to the Speech he made to them the 31st of May.

To his Excellency *James Bowdoin, Esq;* Governour of the Commonwealth of *Massachusetts*.

MAY IT PLEASE YOUR EXCELLENCY,

THE two branches of the legislature, on the present occasion, cannot but express their sincere and cordial acknowledgments to your Excellency
for

for the early attention to the most important concerns of the Commonwealth, so fully expressed in your Excellency's late address.

The General Court, contemplating your Excellency's political and literary character, long experience and intimate acquaintance with the most interesting concerns of their constituents, feel that confidence in your Excellency, as their first Magistrate, which cannot fail to produce a harmony among the several branches of government, and excite their combined efforts to promote and secure the best interest of the whole.

The Senators and Representatives of the people of this Commonwealth have, with your Excellency, the highest sense of those virtuous exertions of their fellow citizens, which, aided by a kind providence, have obtained, supported, and preserved the excellent constitution we now enjoy; and, under the auspices of which, we are at present assembled, to promote and maintain the public interest, safety and happiness. In every measure tending to preserve this constitution sacred and inviolate, we shall ever, with your Excellency, most cheerfully concur.

The embarrassed state of our trade and commerce has justly alarmed every order of men, and demands the immediate exertions of government to remove the evils complained of. To this subject, the General Court have already paid particular attention; and, from your Excellency's communications, feel an additional stimulus to new exertions, with respect to this important source of our national interest and wealth.

The legislature, with your Excellency, must consider public credit, not only as most highly important, but even essential to the welfare, if not the being of a people; an object ever to be attended to, and never to be trifled with; the source of wealth, as it enables government to command in times of necessity the riches of others, on conditions reasonable or advantageous. Your Excellency's further communications on this branch of our national concerns, *our finances*, will be received with that attention which a subject, involving in it our reputation and most important interest, so justly deserves.

On the subject of a reform in our affairs of finance, and the establishment of public credit, the General Court have a particular disposition to meet your Excellency, in every measure, calculated to promote these valuable purposes.

The attention of the General Court is now drawn by your Excellency's address, to the federal compact, which, though perhaps as excellent as the state of things, at the time of its formation, would permit; yet time and experience have evinced the necessity of some amendments in it: and we are happy to find the first Magistrate of this Commonwealth, at so early a period of his administration, manifesting his readiness to concur with us in attending to and examining this important part of our common polity: and it shall be our most earnest endeavour, at all times, to contribute to the establishment of the federal government of these States, on a firm basis, and on such principles as may best tend to procure a just distribution of power, perfect the union, preserve and secure the rights and liberties of individuals, and promote public, private and social happiness.

Conceiving with your Excellency, that the want of some plan of national œconomy and frugality, is the principal source of our present difficulties, we shall readily unite in those measures, which the exigencies of

our affairs require, and which shall appear to be most happily calculated to promote those virtues, so important and essential to the preservation of a Republican constitution, and the enjoyment of that freedom and felicity, which such a constitution is adapted to secure.

In SENATE, *June 4, 1785.*

ORDERED, That *William Phillips, Charles Turner, and Joseph Hofmer, Esquires*, with such as the honourable House shall join, be a committee to wait on his Excellency the Governour, with the foregoing reply to his Excellency's address of the 31st ult.

Sent down for concurrence.

SAMUEL PHILLIPS, jun. President.

In the HOUSE of REPRESENTATIVES, *June 4, 1785.*

Read and concurred, and *Mr. Davis, Mr. Bourn, Mr. Wales, and Mr. Chamberlin*, are joined.

NATHANIEL GORHAM, Speaker.

MONDAY, *June 6, 1785.*

The Governour sent a message to the two Houses, accompanied with two acts and an ordinance of Congress, relating to the Western Territory.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I RECEIVED by the post a letter from the Secretary's office of the United States, dated the 28th ultimo, enclosing an act of Congress for laying into distinct States the Western Territory ceded to the Union by the individual States: also an ordinance for ascertaining the mode of disposing of lands in the Western Territory; and an act declaring the election of a Surveyor for each of the nine States mentioned in that act, the Surveyor appointed for this State being *Rufus Putnam, Esq.*

These papers, gentlemen, merit your consideration.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *June 6, 1785.*

WEDNESDAY, *June 8, 1785.*

The following message was sent by the Governour to the two Houses, relative to the line of jurisdiction between this Commonwealth, and the eastern boundary of the State of New-York.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

THE Legislature of the State of *New-York* have passed an act authorizing Congress to appoint three judicious and disinterested persons, as Commissioners to run out and ascertain the line of jurisdiction between this State and that, so far as it relates to the eastern boundary of *New-York*, and pursuant to the agreement between the Commissioners of the two governments, made the 18th of *May, 1773*: such appointment to take place on Congress being vested with like authority by the Legislature of this State. For a further representation of this matter, you will please to be referred to the

the said act, and to Governour *Clinton's* letter on that subject, dated the 10th of *March* last; both which do accompany this message.

The unsuccessful attempts to compleat this business, make it the more eligible, that effectual measures for that purpose should be taken as soon as may be.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *June 8, 1785.*

FRIDAY, *June 10, 1785.*

The Governour sent the two Houses the following message, relating to our trade with the States in confederation with us, &c.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

AT the same time you are considering the state of our trade with foreign nations, it seems necessary to consider it, as it stands related to the States in confederation with us.

According to a letter I have received from the Naval-Officer of this port, and the Collector of impost and excise for the county of *Suffolk*, several of those States have laid duties on goods imported, which in their operation have a tendency to injure the trade of this Commonwealth. The letter to which I refer, will be delivered to you by the Secretary; and will give further information on the subject.

As we are much unacquainted with the acts and laws of the several States in union with us, the knowledge of which might be in many respects beneficial, and, in respect to their influence on our trade, necessary, I would recommend to your consideration, whether it would not be proper to procure from each of the United States, all their acts, now in force, and also all such as shall be made in future.

In the mean time, gentlemen, I shall be ready to concur with you in any measures conducive to remove or prevent the evils suggested by the above-mentioned letter.

For the same reason, would it not be proper to procure the acts of the British parliament, and of other European governments, that relate to the vessels and products of the United States?

A printed state of the duties payable by such vessels in several ports of *France*, has been received, with a letter dated the eleventh of *April* last, from Mr. *Jay*, Secretary of the United States for foreign affairs: both of which will be laid before you.

It may be needful for the information of merchants who send their vessels to those ports, that the said printed state, or an abstract of it, should be re-printed here.

You will pass, gentlemen, such order concerning it, as you shall judge suitable.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *June 10, 1785.*

TUESDAY,

TUESDAY, June 14, 1785.

A message was sent by the Governour to the two Houses, concerning Jonathan Eddy, and others, refugees from Nova-Scotia, viz.

Gentlemen of the *Senate*, and gentlemen of the *House of Representatives*.

A LETTER of the 15th of *April* last has been received from the Secretary's office of the United States, signed by Mr. Secretary *Thomson*.

Among other matters, of which it is needful you should be informed, it covered an act of Congress, recommending to the attention of the particular States in which they respectively reside, Mr. *Jonatban Eddy*, and others, refugees from *Nova-Scotia*, who, on account of their attachment to the *American* cause, were obliged to fly from that government.

Mr. *Eddy*, and some other of those refugees belong to, and reside in this State, and are therefore objects of that recommendation. He is now here in behalf of himself and his fellow sufferers, attendant on the General Court: and their case, gentlemen, you will please to take into your consideration.

JAMES BOWDOIN.

COUNCIL-CHAMBER, June 14, 1785.

THURSDAY, June 16, 1785.

A message respecting a committee from New-Hampshire, appointed to confer with the two Houses on the subject of certain commercial acts of both States.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

YESTERDAY came to town from *New-Hampshire*, several gentlemen, appointed by the General Court of that State, to confer with the legislature of this, on the subject of such acts of both States, as do effect the commerce of either.

They are instructed to propose and consult on such laws and regulations as shall be judged convenient and necessary for the mutual advantage of both States; and to endeavour to obtain a repeal of all laws and regulations of trade, injurious or inequitable to either State, or that in any way embarrass a free and open trade between them.

This good disposition, manifested on the part of that government, I am persuaded, will meet with your approbation; and at the same time induce you, in concert with them, to agree to, and carry into execution, such measures as shall be mutually beneficial to both States: and in all such measures I shall with the utmost readiness concur.

You will probably, gentlemen, think it suitable to appoint a committee to confer with the committee from *New-Hampshire* on the subject of their mission.

JAMES BOWDOIN.

COUNCIL-CHAMBER, June 16, 1785.

MONDAY, June 20, 1785.

A message on the subject of two resolutions of Congress.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I HAVE received two packets, dated from the office of the Secretary of Congress, and signed *Charles Thomson*. That of the 31st of *May* enclosed

closed a resolve of Congress, passed *November 3, 1783*, directing the pay-master-general to deposit in the hands of regimental agents, the certificates for the arrears of pay due to the officers and soldiers of the respective lines of the late army, to be by them delivered to the individuals to whom they belong, or deposited for their benefit, as the Supreme Executive of their respective States shall direct. It also enclosed another resolve of the 27th of *May*, requesting the legislature of the respective States to which such agents belong, to cause the services of the said agents to be examined, and make them such allowance as they shall think them entitled to, and charge the same to the United States.

The other packet, dated the 9th instant, covered a resolve, and recommendation of Congress to the several States, to make provision for the officers, soldiers and seamen, who have been disabled in the service of the United States, during the late war: and the manner of making that provision is very particularly described in the said resolve.

To these several acts of Congress, gentlemen, you will give the due attention; and pass such orders or resolves on the subjects of them, as they shall respectively require.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *June 20, 1785.*

WEDNESDAY, *June 22, 1785.*

A message on the occasion of the birth of the Duke of Normandy.

Gentlemen of the Senate, and Gentlemen of the House of Representatives,

I HAVE the pleasure of announcing to you an increase in the family of His Most Christian Majesty, by the birth of a Prince, who is stiled the Duke of Normandy. It happened on the 27th of *March* last, as you will observe by a letter I have just received from the Honourable Mr. *Jay*, dated the 14th instant, from the office for foreign affairs.

As every event, which contributes to the happiness of so illustrious an Ally, must afford you very pleasurable sensations, it is with real satisfaction I give you the earliest information of it.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *June 22, 1785.*

SATURDAY, *June 25, 1785.*

A message concerning the fort at Machias.

Gentlemen of the Senate and Gentlemen of the House of Representatives,

BY a letter I have received from Mr. *James Avery*, Collector of Excise at *Machias*, dated the 10th of *May* last, he informs me, that the fort and block-house at that place, were built on land belonging to Mr. *Nathan Longfellow*; and that said *Longfellow* had begun to pull down the block-house: but on his forbidding him, he desisted.—In *July, 1783*, the General Court passed some resolves relative to that fort, which afterwards were in part suspended.—As Mr. *Avery* wishes to be instructed on that head, you will please to let me know what instructions will be proper to be given him.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *June 25, 1785.*

TUESDAY,

T U E S D A Y, June 28, 1785.

*A message relative to Dr. Samuel Stearns, a refugee.*Gentlemen of the *Senate* and Gentlemen of the *House of Representatives*,

FROM one of the Delegates of this Commonwealth at Congress, the Hon. Dr. *Holton*, I have just received a letter of the 16th instant, dated at *New-York*. There was sent with it a petition to Congress, from *Samuel Stearns*, who calls himself a refugee, dated the 10th of *May* last, at *Worcester* goal, praying, that he and his sureties might be released from their confinement, and himself no longer deprived of the liberties granted by the articles of the peace, to persons in his situation.—The petition, concerning which there had been no determination of Congress, was delivered to the *Massachusetts* delegates, who thought it advisable, that it should be laid before the General Court. It is therefore gentlemen, now communicated to you, together with the Doctor's letter, for your consideration.

JAMES BOWDOIN.

COUNCIL-CHAMBER, June 28, 1785.

W E D N E S D A Y, June 29, 1785.

*A message respecting Mr. Imlay's resignation as Commissioner for settling accounts with this Commonwealth.*Gentlemen of the *Senate* and Gentlemen of the *House of Representatives*,

MR. IMLAY having resigned his office as Commissioner for settling the accounts of this Commonwealth, against the United States, has it not in his power to comply with your late resolve, requesting his attendance in *Boston*, for the purpose of expediting that settlement; as you will observe by his letter of the 23d instant, herewith communicated.—He has requested the Commissioners of the Treasury to appoint some person to succeed him in that business: in consequence of which it may be expected they will nominate a person for that purpose; but as it appears by a resolve of Congress of the 20th of *February*, 1782, the nominated person is to be “approved of by the Executive, or the Delegates attending in Congress, of the State for which he shall be nominated, according as the Legislature of the State shall direct,” it will be needful for you gentlemen, to pass a resolve expressive of your mind, relative to that matter.

JAMES BOWDOIN.

COUNCIL-CHAMBER, June 29, 1785.

F R I D A Y, July 1, 1785.

*A message from the Governour to the two Houses, on the constitutionality of a resolve of theirs, relating to the settlement of public accounts.*Gentlemen of the *Senate* and Gentlemen of the *House of Representatives*,

As it must be your wish, that all the proceedings of the General Court, should be agreeable to law and the constitution, you will permit me to suggest

suggest to you my doubts, whether that be the case in regard to one of your resolves lately passed.—The resolve to which I refer, is that for the appointing a “ Committee to receive, examine, and pass on, all accounts, that are now, or may hereafter be exhibited.” After this general commission several sorts of accounts are particularized, and among them such as relate to “ the support of such indigent persons, as are the proper charge of the State.”

You will please to consider gentlemen, whether there is not provision made by law, viz. by an act made in the year 1701, entitled, “ An act providing in case of sickness, that the charge incurred by the support of such persons “ shall be defrayed out of the public treasury, by warrant from the Governour with the advice and consent of the Council ?” Whether this does not imply, that the accounts of such charge shall be exhibited to the Governour and Council, for allowance and payment ? and whether, as the warrant for that purpose, must be with the advice and consent of the Council, the Council have not a consequential right of enquiring into, and of judging, determining and passing upon, all such accounts, previous to the issuing of the warrant for payment : concerning which there can be no ground for advice and consent, unless those expressions imply such a right ?

With respect to the Constitution, I beg your attention, gentlemen, to the following clauses of it.— “ Full power and authority are hereby given and granted to the said General Court, from time to time—to impose and levy proportional and reasonable assessments, rates, and taxes, upon the inhabitants of, and persons resident, and estates lying, within the said Commonwealth ; and also to impose, and levy, reasonable duties and excises upon any produce, goods, &c. within the same : to be issued and disposed of by warrant under the hand of the Governour of this Commonwealth for the time being, with the advice and consent of the Council, for the publick service, &c. according to such acts as are, or shall be in force within the same.” There is also another clause of the constitution to the same effect. Here the two departments of government, concerned in the present question, have their separate and distinct business, as relative to this matter, assigned to them respectively. The legislative is to raise money in the several ways mentioned ; and the executive is to dispose of it for the public service, according to such acts as are or shall be in force.

This assignment or appropriation of business to each department, is not only the result of those clauses of the constitution, but is deducible from another clause of it, in the last article of the declaration of rights ; by which it is declared, that, “ in the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them.”

In all these clauses, there is a clear distinction held forth, and a separation made between the powers of the two departments. Those of the one are not to be intermixed or militate with those of the other : but each is to exercise its own powers, and its own only. As therefore, the resolve aforesaid is wholly of an executive nature, having relation only to the examination and settlement of the public accounts, and as business of that nature falls within the executive department, it is apprehended the resolve does not comport either with the spirit or letter of the constitution.

This

This apprehension of it, seems to have been entertained by the honourable House, who, though they finally concurred with their honours of the Senate, did at first pass a vote of non-concurrence. And the same apprehension in reference to a similar resolve, which was passed the 4th of *November*, 1780, at the first session after the commencement of the present constitution, did in fact prevail in the legislature at that time. This is clearly manifest by the proviso in that resolve, which concludes with these words, " Provided always, that nothing in the foregoing method of examining, allowing and paying accounts, shall be considered as a precedent for the future, but to have been adopted merely from the necessity of the present times."

The foregoing observations intimate some of the reasons that induce me to think it my duty to withhold my approbation of the resolve, which, by the hand of the Secretary, I now return to your honours for your re-consideration: not doubting you will receive them with the same candour with which they were written.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *July 1*, 1785.

SATURDAY, *July 2*, 1785.

A message from the Governour, respecting the proceedings of the Legislature of the State of New-Hampshire, that they had passed a navigation act, &c.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

THIS minute has been handed to me a letter dated the 29th of *June*, from his Excellency Mr. *Langdon*, the President of the State of *New-Hampshire*; enclosing the proceedings of the Legislature of that State, upon the report of a Committee, who were lately here, and had a conference with a Committee of yours, on matters of commerce.

In consequence of it, they have passed a Navigation Act, and an Act vesting Congress with power to regulate trade for a limited time; and also a Resolve, suspending the operation of their Impost Act, so far as it respects the citizens of this State: with this proviso however, that the Legislature of this State, in their present session, shall repeal our Impost Act, so far as it respects the citizens of that State.

These acts, and the resolve, together with the letter, are herewith laid before you, for your consideration.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *July 2*, 1785.

R E S O L V E S
OF THE
GENERAL COURT
OF THE
COMMONWEALTH

O F

M A S S A C H U S E T T S :

Begun and held at *Boston*, in the County of *Suffolk*, on Wednesday the 25th Day of *May*, Anno Domini, 1785; and from thence continued, by Adjournment, to Wednesday the 19th Day of *October* following.

I.

Resolve on the petition of *Francis Bridge*, liberating him from the goal in *Worcester*, and empowering *Caleb Amidown* to settle with him for his excise. *October* 20, 1785.

ON the petition of *Francis Bridge*, praying to be liberated from his present confinement in *Worcester* goal, for reasons set forth in his petition :

Resolved, That *Caleb Amidown*, Collector of excise and impost for the county of *Worcester*, be, and he is hereby empowered, to settle with the said *Francis Bridge* for his excise, and credit him in said settlement for the amount of the excise on all such articles as he may have exported out of the Commonwealth, on his producing proper certificates therefor; and on the said *Bridge*'s paying to said *Amidown*, the balance due to the Commonwealth for excise, and also paying the costs of prosecution and commitment, it is further resolved, that he be discharged.

II.

A message from his Excellency the Governour, by the Secretary. *October* 20, 1785.

Mr. SPEAKER,

His Excellency the Governour is now in the Senate Chamber; and requests the attendance of the honourable House.

E

Mr.

Mr. Speaker, and the House, went into the Senate Chamber, and his Excellency the Governour then made the following Speech to the two branches of the Legislature.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

BEFORE I offer any new business for your consideration, it is proper you should be informed what has been done in regard to divers matters; which have already been the subjects of your Acts and Resolutions. Accordingly I would inform you, That another Commissioner is authorized to settle accounts between the United States and this Commonwealth, and will probably be here in a few days to enter upon the duties of his office. It may be expected therefore, that *that* business will be brought to an issue as soon as it can be: and this expectation is supported by a letter from the Secretary of Congress, who writes me, that from the progress made in settling the accounts between the United States, and individual States, and private creditors within the same, and from the measures taken to hasten and facilitate the progress of such settlement, there is reason to hope, this great work will soon be completed.

With regard to the line of jurisdiction between this Commonwealth, and the State of *New-York*, so far as it respects the Eastern boundary of the latter, our Delegates, to whom as well as to Governour *Clinton*, I sent an authenticated copy of the Act of the General Court, empowering Commissioners to settle that line, write me, that the Delegates of the two States had met on that business, but had not then been able to agree on suitable persons as Commissioners; which makes it probable, that Congress will have the appointment of the Commissioners, pursuant to the mutual Acts of the two States, without any such previous agreement.

With respect to the conduct of *New-York*, relative to the Western Territory claimed by this State, I wrote, agreeably to your request, to Governour *Clinton*, and to our Delegates, concerning it. A conference between them was had upon the subject. The substance of it you will find represented in a letter from our Delegates: in agreement with which, Governour *Clinton* informs me, that according to the duties of his office he shall not fail to lay my letter and the concurrent resolutions of the Senate and Assembly, before the Legislature of *New-York*, at their next meeting; and that the earliest opportunity will be embraced of communicating whatever they may direct on the subject.

In compliance with your request, Gentlemen, expressed in several resolutions the last session, I transmitted to the several States in the Union, a copy of the Act you then passed for regulating Navigation and Commerce. It was accompanied with a circular letter of mine to the Governours of those States respectively: in which letter, among other things, it is represented, that it is much to be desired, that Congress may be vested with a well guarded power to regulate the trade of the United States; which being effected, our Act will cease to operate: that in the mean time we have a full confidence, that the mutual friendship of the several States towards each other, and their sentiments of honour and justice, will be a sufficient pledge, that when measures wisely calculated to defeat the unjust designs of any foreign power against

against the trade, or general interest of the United States, are taken by any individual State, they will be adopted by all; so that no one State may be left to suffer essentially in its own trade by its laudable zeal and exertions for the common safety. To this letter the Governours of several States have replied, that they will lay it before their respective Legislatures at their next meeting. With respect to the Legislature of the State of *New-Hampshire*, I have the pleasure to inform you, that with a generosity and magnanimity becoming one of the United States, and which I am persuaded the rest will not be backward to manifest, they early passed an Act correspondent to ours for regulating Navigation and Commerce. Such correspondent Acts, adopted by all the States, would be productive of happy effects, until Congress should ordain regulations for the general commerce of the confederated body.

In regard to the enlargement of the powers of Congress, I signed and forwarded to our Delegates, agreeably to your request, the several letters you had prepared on that subject. They viewed it, and justly, as being of great consequence; and wishing their sentiments on it might be known to their Constituents, they have, from a sense of the duty they owe them, delayed taking any measures concerning it, until they shall receive your further instructions. The reasons of the delay, their letters of the 18th of *August*, and 3d of *September*, will inform you.—This being a matter of great importance, will require your attentive consideration.

There are divers other things, that have been the subject of the Acts and Resolutions of the General Court; and the state of them, will be communicated to you by message.

I shall now lay before you several matters, which you will probably think require your immediate attention.

By a letter I have received from Mr. Secretary *Thomson*, of the 24th of *August*, it appears, that it is become necessary and essential to the harmony of the Union, that Congress should be furnished with the means of settling the proportion, to be borne by each State, of the general expences, that have been, or may be, incurred for the common defence and general welfare. And I am requested to bring this subject again under the view of the Legislature of this State, and earnestly to recommend to them, as they have adopted the new rule of apportionment, to take speedy and effectual measures for numbering the inhabitants of this State, and make a return thereof to Congress. As by that letter it seems probable, that the new rule will be adopted by all the States, I do, in compliance with the request, earnestly recommend to you, Gentlemen, to take speedy and effectual measures for the said purpose. On a former requisition of Congress, an Act was passed the last year upon the principles of the rule mentioned in the eighth article of the Confederation; by which Act, the number of the inhabitants in the Commonwealth, was ordered to be taken pursuant to that requisition, and returned by a certain day into the Secretary's office. Accordingly a great number of towns, but not the whole, have made return. Perhaps the carrying that Act into full execution relative to the number of our inhabitants, will answer the intention of the new requisition.

With the said letter were enclosed several Resolutions of Congress, and particularly one of *April* 18th, 1783, to which a further attention is intimated

to be necessary, for the purpose of establishing permanent and adequate funds, which shall operate generally, and in just proportion towards doing compleat justice to the public creditors, and for restoring public credit : and it is observed in the letter, that every day's delay encreases the embarrassments of the Union.

By a Resolution of Congress of the 27th of *September*, you will observe, Gentlemen, that for the service of the present year, and for the payment of one year's interest on the Foreign and Domestic Debt, and other purposes, it will be necessary, that *three million dollars*, in addition to *six hundred forty-nine thousand eight hundred and eighty dollars*, be paid into the common treasury, on or before the first day of *May* next. These two sums are the whole amount of the present year's estimate ; from which the latter sum is deducted by reason that so much of the Dutch loan was applied towards a discharge of the last year's estimate, and which the sums required from the States last year will replace : a compliance with that requisition being relied on by Congress to discharge, or make good, the said deduction. Our quota of the *three millions* is set at *four hundred forty-eight thousand eight hundred and fifty-four dollars* ; for the seasonable payment of which, it is incumbent on you, Gentlemen, to make the necessary provision.

As a motive for the chearful payment of the sum now called for, as well as of past arrearages, the States are reminded, that Congress have passed an Ordinance for the survey and sale of the Western Territory of the United States ; and that the proceeds thereof will be applied as a Sinking Fund to extinguish the Domestic Debt. Future requisitions for interest on the Domestic Debt, will therefore be reduced in proportion as this Fund may be rendered productive.

Your attention, Gentlemen, is also called to the state of our own particular Debt, and to ways and means of discharging it. The total amount of it, by the Treasurer's account is, *one million four hundred sixty-eight thousand five hundred fifty-four pounds, seven shillings and five pence*, and the annual interest of it is *eighty-eight thousand one hundred and twelve pounds, thirteen shillings and three pence*. The means of discharging the debt are, the product of the Impost and Excise, which from *June, 1784, to June, 1785*, was *fifty-seven thousand three hundred and fifty-three pounds, thirteen shillings and eight-pence* ; and the one per cent. on the business of Auctioneers, which for the same time was *eleven hundred seventy-three pounds, eleven shillings and six pence*. These products, with that of the new Impost and Excise, may be estimated equal to the interest of the Debt : in which case, whatever sum you think proper should be annually raised by tax, or in any other way, will, after deducting the common charges of Government, discharge so much of the principal of it.—By my direction, the Treasurer has formed a Plan and Calculation for the gradual payment of the whole Debt. According to that Plan, an annual Tax of *one hundred thousand pounds*, with the aforesaid revenue, as above stated, will cancel the whole Debt, both interest and principal, in fifteen years ; and at the same time pay the ordinary charges of Government. Such a tax, with the annual requisitions of Congress for our porportion of the National Debt, will not be distressing to the State, especially as in the future requisitions there probably will be provided certain facilities of payment, in like manner as there are in the present requisition.

Punctuality

Punctuality in the payment of taxes is so essential to public credit, that the existence of the latter depends upon it. To insure it, I would recommend to your consideration whether, in future Tax-Acts, it should not be provided, that in every town, on each person's tax, not paid by a given day, interest should be required from that day to the time of payment. This requisition would be a stimulus to punctuality, which would be further excited by an allowance of five per cent. for prompt payment. Such a charge of interest is due to the Commonwealth at large, and justice demands it, with regard to those towns and individuals, who have been, and are, punctual in paying their taxes.

There is a large sum now due for past taxes, the greater part of which is appropriated for the redemption of New-Emission Bills, and of State Notes payable in 1784. When these taxes are all paid, there will remain, after making an allowance for those appropriations, a considerable balance, perhaps about *eighty thousand pounds*, subject to your appropriation. The honour and faith of the Government being plighted for that redemption, the reminding you of it, I am persuaded, will procure effectual measures to be taken for the payment of those taxes.

On the present year are laid several taxes, amounting to a large sum. They are appropriated for the payment of such a part of the consolidated Notes as becomes due the present year; and for the redemption of the remaining army Notes, including such of them as will be payable the next year.

These several Notes, exclusive of the interest due on them, amount in the whole to *two hundred seventeen thousand two hundred and fifty-eight pounds, thirteen shillings and six pence*, and are included in the total aggregate of Debt abovementioned.

If you should think this sum, with the present requisition of Congress, too large to be raised the present year, and the taxes laid on the several succeeding years for redeeming the other consolidated Notes, too large for those years, especially when connected with the annual requisition of Congress, you may possibly think it needful to take a minute view of the state of our whole Debt, and the taxes now laid on the present and future years for cancelling it, and adopt the abovementioned, or some other, Plan for that purpose. But in that case, Gentlemen, I imagine you will think it necessary, in order to maintain the plighted faith of the Government, to procure the consent of the Government Creditors, previous to the adoption of such a Plan. I cannot apprehend there will be any difficulty in obtaining their consent, as the provision, made by the Acts of Impost and Excise, will, probably, be sufficient to enable the Treasurer to pay the annual interest of the Debt punctually at the time it shall become due, until the whole debt be extinguished.

In considering the means of cancelling the Public Debt, it will occur to you, that the unappropriated lands belonging to the State may be applied to that purpose: But as the sale of them, the time and manner of payment, and the productiveness of the sale, must be very uncertain, they should not, in my idea of the Plan, be considered as one of the means, on which the executing of it should depend. If the sale however, should be productive, the product may be applied, from time to time, towards the lessening of the Debt, and hastening the discharge of it. Such a Plan, well laid, and punctually executed, would, not only extricate us from the embarrassments of a heavy Debt, but restore the public credit: on which the honour and welfare of the Commonwealth so essentially depend,

A much speedier method, than the one above proposed, for annihilating the Public Debt, would be, to permit the present Tax-Laws to operate. In which case, the whole Debt, both interest and principal, might be paid in three years, or by the end of the year 1788 ; beyond which no taxes are laid. But of the practicability of it, you are, not only the constitutional, but in fact, the best judges.

The state of the Militia, which is the constitutional and the safest defence of the Commonwealth, merits your consideration.

In the several Brigades, the Regiments are, in a considerable degree, destitute of Officers, occasioned by the resignation of their Commissions. Many of them, by virtue of their Commissions, having obtained rank, and an exemption from the common Militia duty, have very early, for reasons, without doubt satisfactory to themselves, resigned their Commissions ; and this practice will probably be continued, unless some effectual measures be taken to prevent it. As the Militia-Act needs some amendments, a clause in a Supplementary Act making the rank and privileges of Officers, as such, depend on their holding, for a given time, and with reputation, their respective Commissions, might go far to remedy the evil ; which unhappily has been so long prevalent.

You will also please to recollect, that each of the four divisions of the Militia is to have a Major-General, whom the Act makes a very essential Officer to the well ordering of the Militia. As there are but three Major-Generals commissioned, and two of them in the same division, you will think it needful to elect a fourth, and assign, to each of the other, his respective division.—Permit me to urge a speedy attention to this business.

There is another matter, Gentlemen, essentially important to the well-being of the Commonwealth, which claims your most serious attention ; and which, by the unanimous advice of the Council, I now lay before you.—It refers to a design against the Commonwealth, of very evil tendency, being calculated for the purpose of effecting the dismemberment of it. That design has been for some months evident by a great number of publications in the *Falmouth Gazette* ; calling upon the people of the counties of *York*, *Cumberland* and *Lincoln*, to assemble together for the purpose of separating themselves from the Government of this Commonwealth ; and of withdrawing from the duty and allegiance they owe to it. In consequence of those calls, about thirty persons, as I am informed, assembled on the fifth instant, at the meeting house in *Falmouth*, and voted to choose a Committee to draught a circular Letter to the several towns and plantations in those three counties, requesting them to meet in Convention, by their Delegates, on the first Wednesday of *January* next, to consider the expediency of the said counties being formed into a separate State.

The duty I owe to the Commonwealth in general, and to the people of those Counties in particular, indispensibly obliges me to lay this matter before you, that you may take such measures concerning it, as your regard for the collectiv body of the Commonwealth, shall dictate.

What I have further to communicate to you, Gentlemen, will be by way of message. The letters and papers, referring to the communications now made, will be delivered to you by the Secretary.

JAMES BOWDOIN.

Commonwealth of Massachusetts, Council-Chamber,
October 20, 1785.

III.

Message from his Excellency the Governour, by the Secretary. *October 22,*
1785.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

SOON after the late session of the General Court, I received a letter from the Collector of Impost and Excise for the county of *Suffolk*, relative to the act passed in that session, for laying additional duties of Impost and Excise. In the letter he mentions, that he cannot comprehend the meaning of some parts of that act, and knows not how to carry into effect other parts of it: and states a few of the difficulties he expected to find, and which he informs me he has in fact found in executing it.

That letter, which will be delivered to you by the Secretary, will point out what those difficulties are.

As one intention of the act was to encourage our own manufactures, by making such a distinction in the duties upon them, and upon foreign manufactures, as to give, in regard to price, a clear preference of the former; you will please to consider, in revising the act, whether that intention be in fact answered with respect to some of them. I would particularly instance in the manufacture of loaf-sugar: which at a time when we were under the dominion of *Great-Britain*, was for a while very profitably carried on here: but by the *British* parliament giving a large bounty on the exportation of it from thence, and this with a view of putting a stop to our manufacturing it, it was imported here so cheap, as effectually to answer that purpose. The bounty, as I am informed, being still continued, the duties on each of those manufactures, and on foreign in general, should be so regulated, as to give a decided preference in favour of our own: and a like attention should be also had in reference to all our manufactures.

I would recommend, gentlemen, a revision of all the acts of Impost and Excise; and that these different duties, should be laid by different acts. The Impost to be confined to one act, and the Excise to another: part of the difficulty and imprecision of those acts having arisen from blending them together. If you should think proper to direct the Naval Officer, and the Excise Officer of the County of *Suffolk*, to prepare such acts for the consideration of a Committee of the General Court, it might serve to expedite this business; and give the Court the advantage of the experience of those officers in the operation of those acts.

With respect to the act for regulating Navigation and Commerce, passed at the last session of the General Court, the Consul of *France* has delivered to me a memorial on the subject and operation of it, which at his request, I now lay before you for your consideration.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *October 22,* 1785.

IV.

Message from his Excellency the Governour, by the Secretary. *October 24,*
1785.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

BY the last Saturday post, I received a letter dated the 10th instant, from the Commissioners of the Treasury of the United States, enclosing not only the requisition of Congress for the services of the present year, which has already been communicated to you, but also divers accounts, and particularly a statement of
the

the several requisitions of the 31st of *October 1781*, the 4th of *September* and 16th of *October 1782*, and 27th *September 1785*; for the amount of all which this State is in that statement made debtor, and is then credited for the sum we have paid to the first instant, and also for a part of those requisitions, the payment of which has been suspended by Congress: the balance remaining due from this State, including the requisition for the present year, being 931,615 dollars, and 66 ninetieths of a dollar.

By these accounts, and by that statement, it appears, there have been great deficiencies in the specie payments required: which the Commissioners say, have been supplied from year to year by anticipation, supported by the produce of foreign loans, which have hitherto been the prop of public credit.

But those funds being now wholly exhausted, the sole reliance of Congress is on the prompt and vigorous exertions of the several States, to answer the requisition.

Their representation is very striking upon this occasion. They say, that no hope, no resource, is now left, but the contributions of the States: that our character abroad and our union at home must rest on this foundation: and that the federal faith, dignity, operations and existence, are suspended on the exertions of the several States, to collect the arrearages of former requisitions, and to comply with the present one.

In this situation of things, I need not use any arguments, gentlemen, to induce you to take the most speedy and the most vigorous measures to comply with those several requisitions.

The letter, and accounts accompanying it, will be delivered to you by the Secretary.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *October 24, 1785.*

V.

Resolve on the petition of the selectmen of the town of *Plympton*, empowering the said selectmen to rectify any mistake in a certain pay-roll for the six months men. *October 24, 1785.*

On the petition of the selectmen of the town of *Plympton*, representing that by mistake one *Isaiah Cushman* was made up as a soldier in the six months service, in a pay-roll by them returned; and as it appears to this Court that the said *Cushman* never performed the service, as set forth in said roll:

Resolved, That the selectmen of *Plympton* be, and they are hereby empowered and directed, to rectify any mistake by them made in the pay-roll by them returned for the six months men who went into the army in the year 1780, from the said town, by making a new and just return of said men: and the Treasurer of this Commonwealth is hereby directed to receive of said selectmen the pay he has made them for the said *Isaiah Cushman*.

VI.

Resolve on the petition of *Eliakim Cutler*, directing him to serve *Stephen Wellman* with a copy of his petition, and order of Court, to shew cause, &c. *October 24, 1785.*

On the petition of *Eliakim Cutler*, shewing, that he has been defaulted in two actions brought against him by *Stephen Wellman*, contrary to instruction, whereby he hath been a great sufferer, and praying relief:

Resolved, That the petitioner serve the said *Wellman* personally, with a copy of his petition, and this resolve, fourteen days before the fifth Wednesday of the present sitting

sitting of the General Court, or by leaving such copy at his last and usual place of abode, that he may appear on the same Wednesday, and shew cause (if any he hath) why the prayer of the said petition should not be granted: and that the petitioner also serve *William Hunt, Esq.* with a like copy, in manner as aforesaid, and that execution on the suit last mentioned in said petition, be stayed in the mean time.

VII.

Message from his Excellency the Governour, by the Secretary. *October 25, 1785.*

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

BY letters I have had from the Secretary of Congress, and by acts of Congress which accompanied them, it appears, that the representation of the United States in Congress, has been for a long time extremely deficient. But the state of it shews, that the deficiency is not attributable to any want of attention, either on the part of this Government, or of its Delegates: altho' for a few days, according to that state, we were not duely represented.

As one of our Delegates, the Honorable Mr. *Holton*, has by his letter of the 7th instant, signified his intention to set out on his return hither, as soon as he conveniently can, after the first Monday in *November*; and another of them may return soon: it may be needful for you gentlemen, to satisfy yourselves, that this Commonwealth will not in that case remain unrepresented.

The letters and papers will be delivered to you by the Secretary.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *October 25, 1785.*

VIII.

Resolve granting a tax of *three hundred pounds*, to be assessed on the inhabitants of the county of *Plymouth*, for use of said county. *October 25, 1785.*

Whereas it appears from the Treasurer's accounts for the county of *Plymouth*, that the monies granted and allowed by the Court of the General Sessions of the Peace for said county, from the first Tuesday of *October, 1784*, to the first Tuesday of *October, 1785*, were for such purposes and appropriations as the law empowered the said Court to provide for; and that the said accounts are right cast and well vouched:

Therefore *Resolved*, That the said accounts be allowed.

And whereas it appears, from an estimate from the Justices of the Court of the General Sessions of the Peace for the county aforesaid, that the sum of *three hundred pounds* will be necessary for defraying the charges for one year next ensuing: Therefore,

Resolved, That there be, and hereby is granted a tax of *three hundred pounds*, to be apportioned and assessed on the inhabitants of the said county, and the estates lying within the same, and collected, paid and applied for the use of the said county, according to the laws of this Commonwealth.

IX.

Resolve clearing up some doubts in a resolve of the 7th of *March, 1782*, respecting assessing and obliging delinquents to pay their respective quotas, to have the like remedy against said delinquents of their respective classes,—on a petition of *Jacob Shorey*. *October 25, 1785.*

G

Whereas

Whereas some persons, pursuant to a resolve of the 7th of *March*, 1782, did procure a man or men, and had them mustered as soldiers for their respective classes, and some individuals of their said classes, neglect to pay their due proportion towards the hire and charges of procuring the men as aforesaid; and doubts have arisen respecting assessing and obliging such delinquents to pay their respective quotas: Therefore

Resolved, That any person or persons who have procured a man or men as aforesaid, shall have the like remedy against delinquents of their respective classes as aforesaid, to all intents and purposes, as is provided in the aforesaid resolve of the seventh of *March*, 1782.

X.

Resolve on the representation of *James Bancroft*, Esq; appointing him a committee to proceed to the War-Office to procure extracts from the pay-rolls for nine months men, in 1779, and to obtain the same, and granting *twenty pounds*, to enable him to proceed on the business. *October 25, 1785.*

On the representation of *James Bancroft*, Esq; with respect to the two thousand men, ordered to be raised by the resolve of the General Court of *June* the eighth, 1779.

Resolved; That *James Bancroft*, Esq; be a committee to proceed to the War-Office, and procure such extracts from the pay-rolls, for the nine months men raised in the year 1779, as are unpaid; and said committee is hereby authorized to obtain said pay-rolls or extracts, on the best terms he can, and lay them before this Court, that justice may be done said men, as soon as may be.

And it is further Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to *James Bancroft*, Esq; the sum of *twenty pounds*, to enable him to proceed on that business, he to be accountable for the same.

XL

Resolve on the petition of *Daniel Clap*, Agent on the estates of *John* and *Daniel Murray*, empowering the Judge of Probate for *Worcester*; to cancel the bond and note mentioned, and to make reasonable allowance to said *Clap*. *October 25, 1785.*

On the petition of *Daniel Clap*, Agent on the estates of *John Murray*, Esq; and *Daniel Murray*, late of *Rutland*, in the county of *Worcester*, absentees:

Resolved, That the prayer of the said petition be so far granted, that the Judge of Probate for the county of *Worcester* be, and he hereby is authorized and empowered, if he shall judge proper, to cancel the bond and note made by the said *Daniel Murray*, mentioned in the said petition, and to make a reasonable allowance to the said *Daniel Clap*, out of the money he shall receive of the same *Daniel*, for his trouble and expence as Agent on the said estates; provided the said Agent shall complete a settlement of the said estates agreeable to the rules prescribed by law.

XII.

Resolve on the petitions of *John Rowe*, *Samuel Dashwood*, and others, requesting the Governour to sign and forward the letter mentioned, to the Delegates from this Commonwealth at Congress. *October 25, 1785.*

Commonwealth

Commonwealth of *Massachusetts*.

To the Delegates of this State in Congress.

GENTLEMEN,

THE memorials presented to the Legislature of this Commonwealth, copies of which you have enclosed, with the papers that tend to support the facts stated in them, will suggest to your consideration a subject interesting to many individuals of this State.

As this subject must be considered and adjusted on national principles, and may properly come under the consideration of Congress, you will give it that attention it deserves, and conduct it in such manner as shall appear to you most for the interest of the public, and the individuals concerned.

It appears, that not only the property of the persons described in the enclosed papers, but that the property of several other individuals, citizens of this State, was, during the late war; taken from them, under similar circumstances; taken by virtue of the orders of the British commanders in chief in *America*, not as the property of enemies, forfeited to the captors by the laws of war; but as the property of persons under their protection, which was taken under the idea that the former ownership continued, and a great part of which, was expressly engaged to be restored by those Commanders: whence a just debt of a private nature, a just right and claim, accrued to each of those individuals to demand and have an equivalent.—And though the operations of law, and the means of recovering those debts, were suspended during the war, as a consequence of it; yet the British Government ought not, by a Legislative act, to have created, or now to continue legal impediments to the recovery of them; at least, it is according to the modern laws and usages of nations, right and just, that the Legislature of that Kingdom should now remove those impediments, by repealing the latter clause in the act of parliament, a copy of which is enclosed, or make other provision for doing justice in this case.—Considering the peculiar circumstances of this subject, the spirit and real intention of that clause, the times and general purposes that produced it, the Legislature of this Commonwealth is induced to believe, that, if Congress should instruct their minister at the Court of *London*, to move this subject, properly digested, to that Court, the Government of that nation will so far reconsider their former doings on it, as to remove those impediments, or make some other provision, whereby right and justice shall be done to the parties and individuals more immediately concerned.

Resolved, That his Excellency the Governour, be, and he is hereby requested, in behalf of the Legislature, to sign the foregoing letter, and transmit it, with the papers accompanying it, to the Delegates of this Commonwealth in Congress.

XIII.

Resolve on the petition of *Oliver Witt*, directing the Treasurer to receive certain securities payable in the last tax, in discharge of a bond for the appearance of *Samuel Stearns*. October 26, 1785.

On the petition of *Oliver Witt*, setting forth, that he has given a bond, with two sureties, for the payment of the sum of *two hundred and ninety-four pounds eight shillings*, into the treasury of this Commonwealth, in consequence of a judgment obtained against him, as a surety for the appearance of *Samuel Stearns*, who absconded, and praying that he may have liberty to pay the same in public securities :

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed to receive of *Oliver Witt*, the sum of *two hundred and ninety-four pounds, eight shillings*, in those securities of this Commonwealth, which are payable in the last State tax, in full discharge of the above said bond.

XIV.

Resolve directing the Treasurer to suspend issuing his executions against the town of *Sberburne*, in the island of *Nantucket*, until further order. *October 27, 1785.*

Resolved, That the Treasurer be, and he hereby is directed, to suspend issuing his executions against the town of *Sberburne*, in the island of *Nantucket*, for those taxes which have been, and which shall be assessed on that town by the Legislature, till the further order of the General Court.

XV.

Resolve on the petition of *Ezra Tilton*, Collector for the town of *Cbilmark*, for 1776, directing the Treasurer to credit him with the sum mentioned, and the Assessors are authorized to make out new lists of the State tax for that year, and the Treasurer to issue new warrants. *October 27, 1785.*

On the petition of *Ezra Tilton*, Collector for the town of *Cbilmark*, for the year 1776, setting forth, that in the month of *June, 1782*, he was forced by the enemy to deliver up his rate lists, warrants, and *one hundred and fifty pounds* in money, which he had collected thereon, and praying that he may be discharged from said tax :

Resolved, That the prayer of said petition be so far granted, that the Treasurer of this Commonwealth be, and he is hereby directed, to credit the said *Ezra Tilton*, the sum of *one hundred and fifty pounds*, in old Continental money, which was taken from him by the enemy. And the Assessors of the said town of *Cbilmark*, for the time being, are hereby authorized and directed to make out new lists of the State tax, agreeably to the originals for the year one thousand seven hundred and seventy-six, in the Assessors books, bearing even date with said originals, and commit them unto the said *Ezra Tilton* ; and also that the said Assessors make out new lists of the State-tax, agreeably to the originals in the Assessors books, for the year one thousand seven hundred and seventy-seven, and commit them unto *Elijah Smith*, Collector of said town of *Cbilmark*, for the year one thousand seven hundred and seventy-seven. And the said Assessors are hereby directed, previous to the delivery of said lists to said Collectors, to collect all the evidence they can of said Collectors, and others, who did pay on the former lists, and to credit the same ; and the said Collectors are hereby empowered and directed

to go on and collect of those who did not pay on their former lists, what remains due, according to law. And the Treasurer is hereby directed to send out new warrants to the aforesaid Collectors, agreeably to the returns that shall be made into the office.

XVI.

Message from his Excellency the Governour, by the Secretary. *October 27, 1785.*

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I RECEIVED yesterday two packets by the post from *New-York*. One of them from the minister for foreign affairs, giving information, that the Algerines had declared war against the United States.

As this event must greatly affect the Commerce of the United States in general, and of this State in particular; it is a natural presumption, that Congress will make it the subject of their speedy and attentive deliberation; and that the several States, and this among the rest, will very soon hear from them in regard to it. In the mean time, you will without doubt think it proper, that this intelligence, and the letter upon which it is founded, should be published in the news-papers, for the information, particularly, of those who are in the mercantile line.

The other packet, dated the 18th instant, at *New-York*, is from *Nataniel Sackett*, Esq; accompanied with a printed copy of a memorial presented by him to Congress, proposing the settlement of a new State, whose boundaries are described in the memorials. He represents it as essentially necessary to establish a new State in the situation proposed, in order that it may be a barrier against the British settlements in that neighbourhood, which are carrying on with great rapidity.—*Mr. Sackett* thinks such an establishment of great importance to the United States, and that the memorial should pervade every State in the Union to bring it forward. The memorial, with divers letters and news-paper accounts printed with it, are now laid before you for your consideration.

I have a few lines from our Delegates, enclosing a Resolve of Congress of the 12th instant, which will be delivered to you by the Secretary, for your information.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *October 27, 1785.*

XVII.

Resolve on the petition of the Selectmen of the town of *Grafton*, granting *five pounds twelve shillings* for the support of *Susannah Johns*, to the 20th of *October* instant. *October 27, 1785.*

On the petition of the Selectmen of the town of *Grafton*, praying for allowance for their supporting *Susannah Johns*, an Indian woman:

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to the Selectmen of *Grafton*, *five pounds twelve shillings*, in full for their supporting the said *Susannah Johns* from the first day of *July* last, to the twentieth day of *October* instant,

And it is further Resolved, That the Selectmen of *Grafton* are hereby directed to continue to support the said *Susannah Johns*, and lay their account before the General Court for allowance and payment.

XVIII.

Resolve granting *Richard Devens*, Esq; *one thousand six hundred pounds*, to supply light-houses with oil. *October 27, 1785.*

Resolved, That there be allowed and paid out of the public treasury, to *Richard Devens*, Esq; Commissary-General, the sum of *sixteen hundred pounds*, out of the monies arising from the several light-houses within this Commonwealth, to enable him to supply the said light-houses with oil, he to be accountable for the expenditure of the same.

XIX.

Resolve granting *Richard Devens*, Esq; *one thousand nine hundred pounds*, to supply the garrison at the *Castle* with rations, &c. *October 27, 1785.*

On the memorial of the Commissary-General, representing that it is necessary he should be supplied with money for the purpose of supplying the garrison at the *Castle* with rations, wood, cloathing, &c. and to pay the guard at the powder magazinè, the hire of the sloop in which the Commissioners went to the eastward, and for the cloathing, rations and other necessaries for the prisoners ordered to be confined on the *Castle* :

Resolved, That there be allowed and paid out of the public treasury, to *Richard Devens*, Esq; Commissary-General, the sum of *nineteen hundred pounds*, to be applied for the said purposes, he to be accountable for the expenditure of the same.

XX.

Resolve on the petition of *Samuel Endicot*, of *Danvers*, in *Essex* county, authorizing him to enter his appeal at the Supreme Judicial Court, to be holden at *Salem*, *November, 1785.* *October 28, 1785.*

Whereas *Samuel Endicot*, of *Danvers*, in the county of *Essex*, hath represented to this Court, that at the Court of Common Pleas, holden at *Salem*, in said county of *Essex*, in *July, 1782*, one *Timothy Patch*, obtained a judgment of the same Court on a demurer, against the said *Samuel*, on a note of hand for *one hundred eighty-seven pounds, thirteen shillings and two pence*, damages and costs of suit, from which judgment the said *Samuel* appealed to the then next Supreme Judicial Court, to be holden at *Salem* afore-said, in *November, 1782*; but through illness and disorder, the said *Samuel* was prevented from entering his said appeal, and unable to instruct an attorney to that purpose; and by reason thereof, judgment was rendered against him at the said term of the same Court, on the complaint of the said *Timothy*, for *one hundred and ninety pounds, seventeen shillings and ten pence* damages, and *five pounds five shillings and four pence* costs of suit; and that he the said *Samuel*, by reason of his said illness, hath wholly lost the benefit of a trial of the said

said action, and hath petitioned this Court for relief in that behalf: and whereas the said *Timothy* hath been duly notified to appear and shew cause, and hath shewn no sufficient cause why the prayer of the said petition should not be granted: Therefore

Resolved, That the said *Samuel Endicot* be, and he hereby is authorized to enter his appeal from the said judgment of the said Court of Common Pleas in *July*, 1782, at the Supreme Judicial Court to be holden at *Salem* aforesaid, on the first Tuesday of *November*, 1785; and the Justices of the same Court are hereby authorized and empowered to hear and determine the same action, and to proceed therein in all respects as if the same action had been duly entered at the said Court in *November*, 1782; and if the said *Samuel* shall enter his appeal as aforesaid, of the action aforesaid, and shall not suffer a default therein, the said judgment of the Supreme Judicial Court, in *November*, 1782, shall become null and void, and be holden of no effect whatever; and no execution shall issue on the same judgment, until the said *Samuel* shall have failed to enter his appeal of the said action as aforesaid, or after entry shall have suffered a default therein.

XXI.

Resolve pensioning *Josiah Converse* one-third pay as an ensign. *October* 28, 1785.

On the representation of *John Lucas*, Commissary of Pensioners, in behalf of *Josiah Converse*, ensign in the third *Massachusetts* regiment:

Resolved, That the said *Josiah Converse* be intitled to one-third part of the pay of an ensign, from the thirtieth day of *November*, 1782, until the future order of the General Court or Congress.

XXII.

Resolve on the petition of *John Robbins*, a prisoner in *Concord* goal, directing his liberation, on condition. *October* 28, 1785.

On the petition of *John Robbins*, a prisoner in the goal at *Concord*, in the county of *Middlesex*, praying that he may be liberated from said goal:

Resolved, That the prayer of *John Robbins* be so far granted, for reasons set forth in his petition, that the keeper of the goal at *Concord* be, and he hereby is empowered and directed forthwith to liberate and discharge the body of the said *John Robbins* from his confinement, by virtue of an execution in favour of this Commonwealth, on condition the said *John Robbins* pay the cost of commitment and prison charges.

XXIII.

Resolve on the petition of *Joshua Roberts*, granting *John Hill*, Esq; one pound fifteen shillings and nine pence. *October* 28, 1785.

On the petition of *Joshua Roberts*, praying that he might be paid for Doctor *Moses Carr*'s bill for attending his son *Samuel Roberts*, a foldier, whilst he lay sick in the year 1780:

Resolved,

Resolved, That there be paid out of the public treasury of this Commonwealth, unto *John Hill*, Esq; *one pound fifteen shillings and nine pence*, in full of Doctor *Moses Carr's* bill against *Joshua Roberts*, for medicine and attendance on his son *Samuel*.

XXIV.

Message from his Excellency the Governour, by the Secretary, October 28, 1785.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

TWO of the Agents of this Commonwealth, *viz.*—The Honorable *John Lowell* and *James Sullivan*, Esq's. appointed to support our claim against *New-York*, to lands lying west of *Hudson's-River*, have by their letter to me of the 24th instant, which I received yesterday, represented the present state of that affair, and have desired, that it may be communicated to the Legislature. Accordingly, Gentlemen, the said letter, with letters to them from our Delegates in Congress on the same subject, will be laid before you by the Secretary, that you may give instructions to our Agents in this business, for their future conduct.

The said Agents thought it needful to ascertain the true latitude of the north and south boundary lines of the old colony of *Massachusetts*, and for that purpose employed Doctor *Williams*, the Professor of Mathematicks and Natural Philosophy at our University at *Cambridge*; and accordingly he has made some progress in that business; having had from the Secretary's office, a number of ancient plans and papers that relate to those lines.—Doctor *Williams*, by a letter I have lately had from him, represents that those and other important plans and papers relative to our boundary lines, are in a very worn and decayed state, and that unless they are immediately copied, and the copies authenticated, they will be wholly lost to the Government: to which the loss of them would be very detrimental in any future questions concerning those lines. He also observes, that it is needful that *Woodward's* and *Saffery's* station, on which all our lines with *Rhode-Island* and *Connecticut* depend, should be ascertained in the manner, and for the reasons he has mentioned.

As I apprehend it necessary, that those plans and papers should be copied and authenticated, and that the said station should be ascertained, I would recommend, in case this should be your opinion, that Doctor *Williams* be requested to see this business speedily and faithfully executed.

JAMES BOWDOIN.

COUNCIL-CHAMBER, October 28, 1785.

XXV.

Resolve on the petition of *John Waite*, empowering Commissioners of Sewers to apportion and assess a tax on proprietors of a Great-Swamp, partly in *Whately* and partly in *Deerfield*, in the county of *Hampshire*. November 1, 1785.

On the petition of *John Waite*, praying that Mess'rs. *Ebenezer Hunt*, *Levi Shepard* and *Elijah Hunt*, appointed by the Lieutenant-Governour and the

the Council of the Commonwealth, on the eighteenth of *March, 1785*, to be Commissioners of Sewers for draining a certain Swamp, known by the name of the *Great-Swamp*, lying partly in *Wobatsy* and partly in *Deerfield*, in the county of *Hampshire*, may be authorized to assess the proprietors of the said Swamp for the purpose aforesaid, and for the expences occasioned by what has already been done in that service :

Resolved, That the Commissioners aforesaid, be, and they hereby are authorized and empowered to apportion and assess upon the proprietors of the aforesaid Swamp, a tax of *seventy-six pounds fourteen shillings and six pence*, for the purpose of paying the arrears of the debt incurred in draining the said Swamp, by direction of Commissioners formerly appointed for that purpose, and also such further sum as the Commissioners first abovenamed shall think necessary to complet the object of their commission, and pay the cost that have been or may be occasioned by reason of the service aforesaid.

XXVI.

Resolve on the memorial of *Jonathan Jackson, Esq;* directing the Treasurer to issue notes to him for the loss of ships *Monmouth* and *Vengeance*, at *Penobscot. November 2, 1785.*

On the memorial of *Jonathan Jackson, Esq;* praying permission to take out his notes from the treasury of this Commonwealth, for the sums due to him on account of the ships *Monmouth* and *Vengeance*, lost in the expedition against *Ponobscot*, and for a sufficient warrant upon the treasury for the sum of *one hundred and thirty pounds one shilling and nine pence*, in lieu of an order drawn by the General Court's Committee, and that interest may be allowed thereon :

Resolved, That the Treasurer of this Commonwealth be, and he hereby is empowered and directed, in behalf of this Commonwealth, to give to the said *Jackson* a note bearing date the fifth day of *July, A. D, 1779*, in the form of the notes called consolidated notes, for such sum as was on that day due to him for the vessels aforesaid, taking proper receipts therefor.

And it is further Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, the sum of *one hundred and forty-five pounds, thirteen shillings and nine pence*, to the said *Jackson*, due to him for his services and expences as a Delegate from this Commonwealth in Congress, as allowed and certified by the committee on accounts, by this their draft on the treasury, dated *October 22, 1783*, for the sum of *one hundred and thirty pounds one shilling and nine pence*, in favour of said *Jackson*, which with interest thereon, amounts to the sum first mentioned; he the said *Jackson* discharging said order and draft of said committee.

XXVII.

Resolve on the petition of the widow and heirs at law of the estate of *Thomas Hall*, late of *Billerica*, empowering *Edward Farmer, Esq;* to sell the premises. *November 2, 1785.*

On the petition of the widow and heirs at law of the estate of *Thomas Hall*, late of *Billerica*, praying for liberty to sell the said widow's dower, and to purchase real estate that might be more advantageous to said petitioners :

Resolved, That *Edward Farmer*, Esq; be invested with full power to sell said premises, for the most they will fetch, and to give and execute a good and lawful deed or deeds of the same, and to lay out the proceeds in real estate, where it will best serve the interest of said widow and heirs of the said *Thomas Hall*, he giving bonds to the Judge of Probate for the county of *Middlesex*, with sufficient sureties, for the faithful discharge of said trust, and that said estate shall revert back to the heirs of *Thomas Hall*, at the death of said widow, to be settled among said heirs agreeably to law.

XXVIII.

Resolve on the petition of *Issachar Snell*, granting him *six pounds five shillings and four pence*, in a consolidated note, being for value of certain prizes in the late State lottery. *November 3, 1785.*

On the petition of *Issachar Snell*, praying he may be paid the value of sundry prizes he drew in the first and second class of the late State lottery :

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, in a consolidated note, to *Issachar Snell*, the sum of *six pounds five shillings and four pence*, being the value of three prizes drawn in the first, and four in the second class of the late State lottery, *viz.*— No. 16861, *ten dollars*; 16863, *fifty dollars*; 16866, *seventy-five dollars*, in the first class : and No. 4499, *fifty dollars*, and numbers 4502, 4503; 4504, *fifteen dollars* each, in the second class; provided the said *Snell* shall produce the above numbered tickets at the Treasurer's office.

XXIX.

Message from his Excellency the Governour, by the Secretary. *November 3, 1785.*

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

BY the letter accompanying the last requisition of Congress, and by the urgent letter that followed it from the Treasury-Board, you must be impressed with the idea of the great importance of complying with that requisition, and discharging the arrearages of former requisitions. On the same subject, Yesterday received a resolution of Congress of the 12th of *October*, earnestly calling on the several States to compleat, without delay, the whole of their quotas of those requisitions.

The resolution was attended with letters from the Secretary of Congress and the Board of Treasury, dated the fifteenth and twenty-fifth of *October*, again urging, with great importunity, a speedy compliance, for which the faith of the United States stands pledged, and on which their reputation and credit, not only with their own citizens, but with foreigners in general, and especially with those who have loaned to them large sums, do essentially depend.

These letters, with the other referred to, are so full on the same subject, that there can be no occasion to add any thing by way of motive to induce you, Gentlemen, to take the most speedy and effectual measures for a compleat fulfilment of those several requisitions.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *November 3, 1785.*

Resolve

XXX.

Resolve on his Excellency's message, on the subject of representation in Congress, directing the attendance of three of the gentlemen elected this year, and their constant attendance as often as the body shall be sitting, and recommending to the gentlemen to agree with themselves who of them shall now proceed to Congress. *November 4, 1785.*

Whereas it appeareth to this Court, that, for want of a compleat representation of the several States in Congress, "the great interests of the union have frequently been, and continue to be neglected or delayed:" And whereas, for remedying thereof, Congress have earnestly recommended to the several States, "that each State, at all times when Congress are sitting, be hereafter represented by three members at least:" Therefore

Resolved, That it is the mind and expectation of this Court, that three of the gentlemen, chosen delegates to represent this State in Congress for the present year, do forthwith attend that service, and continue to give their constant attendance in Congress as often as that body shall be sitting, during the present year for which they are chosen. And it is hereby recommended to the several gentlemen who have been chosen delegates for the current year, forthwith to agree among themselves which of them shall now proceed to Congress, so as with the member or members already there, to compleat the number of three, as aforesaid.

And it is the further expectation of this Court, That no delegate from this State, who shall have accepted his appointment and taken his seat in Congress for the current year, shall quit his seat and attendance there, unless in case of sickness or extreme necessity, until his year is expired, or until some other delegate, from this State, shall arrive at Congress to take his place.

XXXI.

Resolve entitling Capt. *Silas Clarke* to one third pay,—in case, &c. *November 4, 1785.*

On the representation of *John Lucas*, commissary of pensioners, in favour of Capt. *Silas Clarke*, who was wounded at the battle of *Monmouth*:

Resolved, That Captain *Silas Clarke* be, and he hereby is entitled to receive an annual pension, equal to one third of the pay of a Captain, to commence the first day of *January, 1781*, and continue till the further order of the General Court, or of Congress; provided the said *Clarke*, previously to his receiving any part of said pension, or to his being entered on the pension list of this Commonwealth, shall return the commutation of his half pay to the pay-office of the United States, or such other office as shall be designated by the Congress of the United States, for that purpose; and shall produce to *John Lucas*, commissary of pensioners for this Commonwealth, or his successor in office, a certificate, signed by such officer as Congress has already appointed, or shall hereafter appoint to give the same, by which it shall appear that the said *Clarke* has entirely relinquished his said commutation.

Resolve

XXXII.

Resolve on the petition of *David Leonard Barnes*, Agent on the estate of *Charles Curtis*, an absentee, striking out the claim of *Thomas Amory* and *Enoch Greenleaf*, from the list of claims on said estate. November 4, 1785.

On the petition of *David Leonard Barnes*, Agent on the estate of *Charles Curtis*, an absentee, whose estate appears to be insolvent :

Resolved, That the claim of *Thomas Amory* and *Enoch Greenleaf*, on the estate of the said *Curtis*, which has been allowed by the commissioners, be struck out of the list of claims on said estate, the said *Greenleaf* (the surviving partner of said *Amory* and *Greenleaf*) having given his consent thereto : and the Judge of Probate for the county of *Plymouth*, is hereby authorized and empowered, to order distribution of said estate, as if the said claim had never been allowed by the commissioners.

XXXIII.

Resolve granting the selectmen of the town of *Dracut*, twelve pounds thirteen shillings and four pence, for providing for *John Lloyd's* family. November 5, 1785.

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to the selectmen of the town of *Dracut*, twelve pounds thirteen shillings and four pence, in full of their account for providing for *John Lloyd* and family, who were poor and strangers, from the 29th of January to the 16th of April, 1785.

XXXIV.

Resolve requesting his Excellency to ask the loan of such a number of brass field pieces, as may be requisite for the several companies of artillery formed in this Commonwealth, of the United States in Congress assembled. November 5, 1785.

Whereas there is not at present in the possession of this Commonwealth, a sufficient number of brass field pieces to endow the several companies of artillery to be raised within the same, according to law ; and as there is a number of field pieces belonging to the United States, now lying in a useless situation in several towns in this Commonwealth :

Resolved, That his Excellency the Governour be, and he hereby is requested, to ask of the United States in Congress assembled, the loan of such a number of brass field pieces, as may be requisite for the several companies of artillery that now are, or hereafter may be formed, in this Commonwealth, to be returned in good order, whenever the said United States in Congress assembled, shall require the same.

XXXV.

Resolve on the petition of *Samuel Brown*, Esq; confirming a deed mentioned. November 5, 1785.

On the petition of *Samuel Brown*, Esq; praying confirmation of a deed, bearing date the 2d day of *July*, Anno Domini, one thousand seven hundred and fifty-four, made by the late Rev. *Jonathan Edwards*, deceased, granting to *Samuel Brown*, lately deceased, about twenty-two acres of land, lying in *Stockbridge*, which deed was not acknowledged by the said *Jonathan* in his life time :

Resolved, That the prayer of the petition be granted ; that the said deed be, and the same is hereby confirmed ; and that the heirs and assigns of the said *Samuel Brown*, deceased, have and hold the tract of land therein described, in the same manner as they might or could have done, if the same deed had been acknowledged by the said *Jonathan Edwards* in his life time.

XXXVI.

Resolve on the petition of *Joseph Aaron*, and others, Indians, of *Grafton*, directing the Trustees to lay their accounts before the General Court for allowance, and directing *Nathaniel Sherman* to serve the Trustees with a copy of the petition, and resolve thereon. *November 5, 1785.*

On the petition of *Joseph Aaron*, and others, Indians, of *Grafton*, in the county of *Worcester*, praying for the payment of their interest of the money which arose from the sale of their lands, now in the hands of *Edward Rawson*, *Willis Hall*, and *Stephen Mainard*, Esquires, Trustees for said Indians :

Resolved, That the said Trustees be, and they are hereby directed, to lay their accounts, respecting said *Joseph* and others, before the General Court, on the second Wednesday of their next sitting, for examination ; and that Capt. *Nathaniel Sherman*, of *Grafton* aforesaid, serve said Trustees with a copy of the petition, and the Court's order thereon, ten days at least before the next sitting of the General Court.

XXXVII.

Resolve on the petition of *Jonas Temple*, empowering the Judge of Probate for *Worcester* county, to authorize the late commissioners on the estate of *William Crawford*; to examine the claims of said petitioner. *November 5, 1785.*

On the petition of *Jonas Temple*, praying that the Judge of Probate for the county of *Worcester*, might be empowered to direct the commissioners on the estate of *William Crawford*, late of *Sbrewsbury*, an absentee, to receive, examine and allow the claims of the said petitioner, so far as they may appear just :

Resolved, That the Judge of Probate for the county of *Worcester*, be, and he is empowered and directed, to authorize the said commissioners to receive and examine the claims of the said petitioner, on the said estate, in the same manner as if they had been timely presented therefor, and to allow them such further time for that purpose, as he shall judge necessary.

XXXVIII.

Resolve on the petition of *John Balcome* and *David Balcome*, authorizing them to make a good warrantee deed of the estate mentioned. *November 5, 1785.*

On the petition of *John Balcome* and *David Balcome*, executors of the last will and testament of *Samuel Balcome*, deceased, praying for permission to execute a deed of the estate of said deceased to one *Edmund Carpenter*, for reasons set forth in their petition :

Resolved, That the said *John Balcome* and *David Balcome*, in their capacity of executors as aforesaid, are hereby fully authorized and empowered to make and execute a good and sufficient warrantee deed or deeds of the real estate of the said *Samuel Balcome*, deceased, to the said *Edmund Carpenter*, they first giving bonds to the Judge of Probate for the county of *Worcester*, to appropriate the monies arising from the sale of said estate to such uses and purposes as by law are directed.

XXXIX.

Message from his Excellency the Governour by the Secretary. *November 5, 1785.*

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I HAVE before me a bill, entitled, "An act making additional provision for the punishment of frauds and misdemeanours." —

This bill makes provision, that all persons, now under sentence of confinement to hard labour, for the term of one year or more, in the house of correction, shall be removed to *Castle-Island*, in the harbour of *Boston*, there to be employed during the residue of the term for which they are sentenced.

As the residue of the term, in many instances, may be very short, and the removal of the criminal, in that case, answer no valuable purpose to the Commonwealth, but, on the contrary, be attended with a considerable expence, especially when the removal is from a great distance; would it not be advisable, gentlemen, to add to that clause a proviso, that the residue of the term should be a given number of months: such a number as you shall think proper?

By this bill, and by most of our criminal laws as they now stand, criminals of almost every species, and from every part of the Commonwealth, are adjudged to hard labour at *Castle-Island*. It may be expected, therefore, that in a short time there will be a great number of them sent thither; who being of the most flagitious and abandoned characters, will attempt any desperate measure to procure their liberty. The barrack there is the only place provided for their reception, and for keeping them secure in the night, and during the intervals of labour. Would it not be proper, gentlemen, that the barrack should be palisadoed, and in other respects made sufficiently strong to prevent their escape: and at the same time so contrived, that they could not easily combine in any desperate attempt to effect it?

The first part of this message, Gentlemen, you will please to consider, not as an objection to the bill, grounded on a certain principle of the constitution, but only as suggesting what may be thought a suitable limitation to the operation of one clause of it; and which you will adopt, or not, as you shall judge proper.

The latter part of it, concerning the barrack for criminals, I cannot but apprehend you will think, that it merits your consideration.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *November 5, 1785.*

Resolve

XL.

Resolve on the petition of *Joshua Bragdon*, authorizing him to file the complaint mentioned, at the Supreme Judicial Court, next to be holden at *Boston*, against *Samuel Willard*, he notifying said *Willard* thereof. November 7, 1785.

On the petition of *Joshua Bragdon*, praying for permission to enter and prosecute to effect, at the next Supreme Judicial Court to be holden at *Boston*, for the county of *Suffolk*, a complaint against *Samuel Willard*, of *Sandford*, in the county of *York*, husbandman, for not prosecuting an appeal by him the said *Samuel* claimed from a judgment recovered by the said *Bragdon* against the said *Willard*, by default, at the Court of Common Pleas, holden at *York*, for the county of *York*, on the second Tuesday of *October*, 1784, for reasons in said petition set forth :

Resolved, That the said *Joshua Bragdon* be, and he hereby is authorized to file a complaint at the Supreme Judicial Court next to be holden at *Boston*, for the county of *Suffolk*, against the said *Samuel Willard*, for not prosecuting his said appeal at the last Supreme Judicial Court at *York*, for the county of *York* ; and the said Supreme Judicial Court are hereby authorized and empowered to render judgment upon said complaint, in the same manner as though the same had been entered and prosecuted at the last term of said Court's sitting for the county of *York*, provided that no more costs be taxed than would have been if judgment had been rendered at the said last term in the county of *York* ; and execution shall issue accordingly, he the said *Bragdon* producing the necessary copies, and causing the said *Willard* to be served with an attested copy of his petition and this resolve, fourteen days prior to the last Tuesday of *February* next, and a due return of such services to be made by the Sheriff of the county of *York*, or his deputy.

XLI.

Resolve on the petition of *Joseph Wilder*, empowering him to enter his appeal in the action mentioned, at the Supreme Judicial Court to be holden at *Worcester*, in *April* next, he notifying *Peter Woodbury* and *Anni Faulkner*. November 7, 1785.

On the petition of *Joseph Wilder*, praying to be empowered to enter his appeal in an action against *Peter Woodbury* and *Anni Faulkner*, in the county of *Worcester*, which he failed to enter from a misapprehension of the pleadings in the cause :

Resolved, That the said *Joseph Wilder* be, and he hereby is empowered to enter his appeal in the action aforesaid at the Supreme Judicial Court, to be holden at *Worcester*, in and for the county of *Worcester*, on the Tuesday next preceding the last Tuesday in *April* next ; and the same being so entered, the said Court may proceed thereon in the same manner as if it had been entered at the Court appealed to, and continued to the Court in *April* aforesaid, excepting that the said *Joseph* shall recover no costs for the term appealed to ; and provided that he cause the said *Peter* and *Anni* to be served with an attested copy of his said petition and this resolve thereon, fourteen

teen days at least previous to the said Tuesday next preceding the last Tuesday in *April* next; and that if the said *Joseph* shall fail to enter his appeal as aforesaid, the said *Peter* and *Ammi* may enter their complaint for their costs in the said action, which the Court are hereby empowered to adjudge them.

XLII.

Resolve on the petition of *Rachel Amos* and *Jemima Sowomog*, Indian women, directing the guardians to the *Gay-Head Indians*, to make sale of the land described. *November 7, 1785.*

On the petition of *Rachel Amos* and *Jemima Sowomog*, Indian women of *Martba's-Vineyard*, praying for liberty to sell a tract of wild, unimproved land, lying in the town of *Chilmark* :

Resolved, That the prayer of the petitioner be so far granted, as that the guardians to the *Gay-Head Indians*, make sale of the land described in the petition, at public vendue, or private sale, they giving timely and public notice of the sale,—and the money arising from the sale, to be appropriated to the use of the petitioners; at the discretion of said guardians.

XLIII.

Resolve confirming a grant of land to *Arthur Lee*, Esq; of six thousand acres, lying eastward of *Saco-River*, laid out to him by order of the General Court, for services as agent in *Great-Britain*, in 1775. *November 8, 1785.*

Whereas the General Court, on the 21st of *September*, in the year of our Lord, 1780, did make a grant to the Hon. *Arthur Lee*, Esq; of six thousand acres of the unappropriated land in this State, lying easterly of *Saco-River*; and in consequence of an order of the said General Court, the same has been surveyed, and a plan thereof taken and returned to the Court aforesaid, bounded and described as followeth:—Beginning at a certain Berch Tree, standing on the west side line of No. 4, and on the lot No. 13, well marked, thence running north, fourteen degrees west, one thousand one hundred and sixty rods to a Spruce Tree, a corner, trees being well marked about it;—thence running south seventy-six degrees west, one thousand and four rods to a Cedar Tree, a corner, standing on the easterly side line of a township, known by the name of *Waterford*,—trees being well marked about the said corner; thence running south twenty-five degrees east, one thousand one hundred and seventy-five rods to a large Pine Tree, a corner; thence north seventy-six degrees east, eighty-four rods to a pond; then continuing across the said pond, one hundred and sixty-rods; then continuing the same course, five hundred and thirty-six rods, to the tree first mentioned:

Therefore *Resolved*, That the plan aforesaid be accepted, and the lands therein delineated and described, be, and they are hereby confirmed to the aforesaid *Arthur Lee*, Esq; and to his heirs and assigns forever.

Resolve

XLIV.

Resolve on the petition of *John Hildrith*, liberating him from goal, in the county of *Suffolk*, on certain condition. *November 8, 1785.*

On the petition of *John Hildrith*, now committed to the common goal for the county of *Suffolk*, on two judgments in favour of the Commonwealth, in the whole amounting to *one hundred and fourteen pounds, nine shillings and four pence*,—declaring that he hath not now any property to satisfy the same, and praying to be released from his imprisonment, &c.

Resolved, That on the said *Hildrith's* making and signing his promissory note to *Thomas Ivers, Esq;* Treasurer, and his successors in office, for the sum of *one hundred and fifteen pounds and four pence*, being the contents of said judgment, and costs of executions thereon and commitment, payable on demand, with interest till paid, and delivering the same to the keeper of the said goal, and paying prison charges; he be liberated from his imprisonment on the aforesaid judgments; and the said keeper of the goal is hereby directed to deliver the said note to the Treasurer, and file an attested copy of this resolve in the Clerk's office, with the executions by virtue of which the said *Hildrith* was committed.

XLV.

Resolve on the petition of *William Le Baron*, directing the Treasurer to pay him the sum made up for three months service in 1781. *November 8, 1785.*

On the petition of *William Le Baron*, praying that he may be paid for three months service in the army in the year 1781, his wages having been drawn by a fraudulent order:

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed to pay to *William Le Baron*, the sum he is made up for in the payroll of the regiment to which he belonged, when in the three months service in the year 1781, his wages being paid by a fraudulent order notwithstanding.

XLVI.

Resolve on the petition of *David Thayer*, empowering him to re-enter the actions mentioned, at the Court of Common Pleas, to be holden at *Concord*, on the second Tuesday of *March* next, he serving *Silas Hodges* and *Amos Barret* with a copy of this resolve, and staying execution in the mean time. *November 8, 1785.*

On the petition of *David Thayer, of Worcester*, in the county of *Worcester*:—Whereas it appears to this Court, that judgment has been recovered against the said *Thayer*, on a note of hand for *eighty pounds eleven shillings and ten pence*, damage and cost, at a Court of Common Pleas, holden at *Concord*, in the county of *Middlesex*, on the second Tuesday of *September*, A. D. 1783, on an action brought against him by *Silas Hodges* and *Amos Barret, of Concord* aforesaid; and also that another judgment has been recovered

covered against him the said *Thayer* at a Court of Common Pleas, holden at *Cambridge*, in the said county of *Middlesex*, on the last Tuesday of *November*, A. D. 1783, for the sum of *three thousand pounds* damage, and *two pounds thirteen shillings and four pence* cost, on an action for covenant broken, brought against him by the said *Hodges*: and whereas it appears to this Court, reasonable and just, that there should be a new trial on the aforesaid actions, for the reasons set forth in the petition: Therefore

Resolved, That the said *David Thayer*, be, and he is hereby empowered to re-enter the said actions at the Court of Common Pleas, to be holden at *Concord*, on the second Tuesday of *March* next, and the said Court may proceed thereon according to law and the rules of the said Court; and also that the said *David* serve the said *Silas Hodges*, or *Jonathan Fry*, his attorney, and *Amos Barret*, with an attested copy of this resolve, thirty days at least before the said Court to be holden at *Concord* as aforesaid, and that the executions on the said judgments be stayed in the mean time.

XLVII.

Resolve directing the Treasurer to continue consolidating government securities. *November 8, 1785.*

Resolved, That the Treasurer be and he hereby is authorized and directed to continue the business of consolidating government securities, until the first day of *June* next, in the same manner as was heretofore provided.

And it is further *Resolved*, That the consolidated value of those notes, the amount of which, including the interest to the first of the present *November*, shall be less than the sum of *three pounds*, shall be inserted with red ink, in some part of the face of the said notes; after which, such notes shall be considered as being consolidated, and paid according to the value so inserted.

XLVIII.

Resolve on the petition of *John Codman*, in behalf of the master of the schooner *Amity*, lately taken by the pirates, permitting him to take on board sundry articles mentioned. *November 9, 1785.*

On the petition *John Codman*, in behalf of the master of the schooner *Amity*, praying for permission to take on board certain articles therein specified, and to clear out the said schooner at the Naval Office in *Salem*:—Whereas it appears that the schooner *Amity*, whereof *James Duncanson* is master, the property of *British* subjects, bound on a voyage to *Africa*, was piratically taken from said master on the high seas, and being afterwards captured by a vessel from *Salem*, was carried into that port: Therefore

Resolved, That the master, *James Duncanson*, have permission to take on board the following articles, *viz.* Three thousand feet of lumber, twelve barrels of bread, six barrels of beef and pork, two hundred and fifty pounds loaf-sugar, and fifty casks of *Geneva* being necessary to repair the damage done by the pirates, while said schooner was in their possession; also, that the Naval Officer be directed to clear out the said schooner at *Salem*, any law to the contrary notwithstanding.

Resolve

XLIX.
 Resolve granting to each of the gentlemen elected to represent this State in Congress, two hundred pounds; to enable them to proceed to Congress.
 November 9, 1785:

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to each of the delegates, who are or may be elected, to represent this State in Congress for the ensuing year, and who shall proceed agreeably to their appointment, the sum of two hundred pounds, they to be accountable:

Resolve on the petition of *John Gardner*, empowering him to re-enter a certain action at the Court of Common Pleas, to be holden at *Taunton*, on the third Tuesday in *December* next. November 9, 1785:

Whereas it appears, that *John Gardner*, Esq, Sheriff of the county of *Nantucket*, was summoned to appear at the Court of Common Pleas held at *Taunton*, in the county of *Eriffol*, on the second Tuesday of *March* last, and defend against a suit brought against him by *Isaac Howland*, for malfeasance in the service of a writ against *John* and *Timothy Coffin*; but by reason of his distant situation from the *Main*, and the failure of his counsel through sickness, he became defaulted, and judgment was rendered against him: Therefore

Resolved, That the said *John Gardner* be, and he hereby is empowered to re-enter the action aforesaid, at the Court of Common Pleas, next to be holden at *Taunton* aforesaid, on the third Tuesday of *December* next; and that the same process shall be had upon the said action to re-entered, as if the default aforesaid had not been made thereon, but had been continued to the said third Tuesday of *December*, the said *John Gardner*, having notified the said *Isaac Howland* of this resolve, by serving him with an attested copy of the same, fourteen days at least, previous to the time for holding said Court; and also, that the real estate taken upon the aforementioned judgment, shall be held responsible for the satisfying any judgments the said *Howland* may recover against the said *Gardner* upon a new trial; but in case the said *Howland* shall fail to obtain judgment against the said *Gardner* upon such new trial, then all proceedings upon the judgment heretofore had, shall be null and void, and the possession of the real estate thereupon taken, shall revert to the said *Gardner*.

LI.

Resolve granting seventy-seven pounds ten shillings, to *John W. Blake*, for his services at *Rutland*. November 10, 1785:

On the memorial of *John W. Blake*:

Resolved, That the Treasurer of this Commonwealth be, and he hereby is authorized to issue to Mr. *John W. Blake*, a note under his hand, for the

sum

sum of *seventy-seven pounds ten shillings*, to bear date on the 26th day of *May*, 1782, payable in the year 1788, with annual interest on the same, which shall be in full for his services, while commanding the troops at *Rutland*, and for the rations to which he was entitled.

And it is further Resolved, That the same be charged to the United States.

LII.

Resolve on the petition of *David Kemp*, directing the Treasurer to make and pay two notes, payable as mentioned, being for an allowance of his wages, whilst a prisoner. *November 10, 1785.*

On the petition of *David Kemp*, setting forth that his son, *David Kemp*, enlisted into the *American* army in the spring of the year 1775, and was in the battle at *Bunker's-Hill*, and there taken prisoner by the *Britons*, and confined in *Boston* goal, from thence was sent to *Halifax* goal, and from there to *York*, and was a prisoner there on board the *Glasgow*, *November*, 1776; praying that he may be allowed his son's wages whilst a prisoner:

Resolved, That the prayer of the petition be so far granted, that the Treasurer of this Commonwealth be, and he is hereby directed to make and pay to *David Kemp*, junior, who was a prisoner as above, or his legal representative, two notes of *seventeen pounds* each, on interest, bearing date first of *March*, 1777, one payable the first of *March*, 1788, the other payable the first of *March*, 1789, the interest to be paid annually, which shall be in full for his wages.

LIII.

Resolve on the petition of *Ebenezer Farrington*, directing the Sheriff for the county of *Essex* to receive of him a certain sum of money, in notes, in discharge of the execution mentioned. *November 11, 1785.*

On the petition of *Ebenezer Farrington*, junior:

Resolved, That for reasons set forth in said petition, the Sheriff of the county of *Essex* be, and he is hereby directed to receive of *Ebenezer Farrington* aforesaid, the sum of *fifty pounds*, in the notes of this Commonwealth, receivable in the last State tax, in full discharge of an execution which he has against the said *Ebenezer*, in favour of this Commonwealth, for the said sum, provided the said *Ebenezer Farrington* pay the cost that has arisen in the prosecution.

LIV.

Resolve on the petition of *Edward Seagraves*, to notify *Joseph Sibley* to shew cause on the second Wednesday of the next sitting of the General Court, and staying execution. *November 11, 1785.*

On the petition of *Seagraves*, praying for a re-hearing of a certain action brought against him in the county of *Worcester*, by one *Joseph Sibley*, as set forth in said petition:

Resolved,

Resolved, That the prayer of said petition be so far granted, that the petitioner notify the said *Joseph Silbey*, that he appear and shew cause, if any he has, on the second Wednesday of the next sitting of the General Court, by leaving an attested copy of his petition, and this resolve, at the last and usual place of his abode, at least fourteen days before the next sitting of the said General Court, why the prayer of said petition should not be granted, and that execution be stayed in the mean time.

LV.

Resolve granting to *William Baker* twenty-four pounds, to purchase fuel for the use of the General Court. November 11, 1785.

On the petition of *William Baker*, Messenger of the General Court, praying to be furnished with money to procure fuel, and other necessary articles for the use of the said Court :

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the said *William Baker*, the sum of twenty-four pounds, for the purposes aforementioned, he to be accountable for the same.

LVI.

Resolve on the petition of *John Porter*, granting him fifteen pounds, for furnishing a guard with provisions. November 11, 1785.

On the petition of *John Porter*, praying for an allowance to be made him, for furnishing a guard with provisions, in the year 1776, which guard was appointed to take care of certain *Scotch* prisoners.

Resolved, That there be allowed and paid to the said *John Porter*, out of the treasury of the Commonwealth, the sum of fifteen pounds, which sum shall be in full for the said *John Porter's* furnishing the provisions as aforesaid.

LVII.

Resolve on the petition of *Jonathan Woodbury* and others, Selectmen of *Sutton*, directing the Treasurer to issue notes in favour of *Benjamin Wakefield*, for such sum as shall appear due. November 11, 1785.

On the petition of *Jonathan Woodbury*, *Joseph Hall* and *John Dudley*, Selectmen of the town of *Sutton*, setting forth that *Benjamin Wakefield* of said *Sutton*, late a soldier in the fourth *Massachusetts* regiment in the *American* army, has been fraudulently deprived of his wages, by some person unknown, who hath personated said *Wakefield*, received his notes, and signed a receipt in his name, by which means he hath been hitherto deprived of his just due, and it appearing to this Court, that the facts set forth in said petition are justly stated :

Resolved, That the Treasurer be, and he hereby is directed to issue notes to said *Benjamin Wakefield*, in such sums as shall appear to have been due to him at the time said notes were so received, bearing date at the time, and in such manner and form, as is by law prescribed.

LVIII.

Resolve empowering *Abiel Wood*, to re-enter an action of *Stevens*, against *Wood* and *Sampson*, at the next Court of Common Pleas at *Falmouth*. November 12, 1785.

On the petition of *Abiel Wood* of *Pownalborough*, in the county of *Lincoln*, praying that the judgment obtained against him, at the Court of Common Pleas held at *Falmouth*, in, and for the county of *Cumberland*, on the Tuesday next preceding the last Tuesday of *May* last, continued by adjournment from the last Tuesday of *October* last, for two hundred pounds, damage and cost of suit, in a plea of trespass brought against him by *Abraham Stevens* of *Falmouth*, may be set aside, and a new trial ordered thereon, for reasons set forth in said petition :

Resolved, That the said *Wood* be, and hereby is empowered to re-enter the aforesaid action of *Stevens*, against *Wood* and *Sampson*, at the next Court of Common Pleas, to be holden at *Falmouth*, in and for the county of *Cumberland*, on the last Tuesday of *June* next ; and that the Justices of the same Court are hereby empowered to proceed thereon according to law and the usage of the Court : and that all execution on the aforementioned judgment be stayed, and that the said *Abiel Wood* serve the said *Abraham Stevens* with an attested copy of this resolve, fourteen days before the fitting of the said Court at *Falmouth*.

And it is further Resolved, That the said *Abiel Wood* pay to the said *Abraham Stevens*, the whole of his lawful cost that has already arisen.

LIX.

Resolve on the petition of *Samuel Norton*, and others, proprietors of the island of *Chappaquidick*, in *Dukes-County*, appointing *Walter Spooner*, *Solomon Freeman*, and *Shearjashub Bourn*, Esquires, a committee to repair to said Island, for the purposes mentioned. November 12, 1785.

On the petition of *Samuel Norton*, and others, proprietors of the Island of *Chappaquidick*, in *Dukes-County*, praying that a resolve of the General Court, passed *February* the 23d, A. D. 1774, may be carried into execution :

Resolved, That *Walter Spooner*, *Solomon Freeman*, and *Shearjashub Bourn*, Esquires, be a committee to repair to the island of *Chappaquidick* (they previously giving twenty days notice to said proprietors, and the Indians on said Island) to set off to the patentees, and English purchasers, such quantity of lands, by meets and bounds, as to said committee, in equity, all circumstances considered, may appear just and reasonable, in full of their respective rights and purchases ; and for ascertaining what sum or sums of money the English inhabitants ought to pay the Indians for the privilege of mowing the salt-meadow, and grazing cattle thereon, and to take into consideration, and determine upon such other matters as shall appear to them just and reasonable : finally, to adjust all disputes, and report their doings to the General Court, for confirmation, as soon as may be ; and also to report what measures are necessary to be taken to prevent any cattle, horses, sheep, goats, or swine, from

from going at large on the Island of *Chappaquidick*, from the tenth day of *April*, until the thirtieth day of *October*, annually; and also to prevent any wood being sold or transported from off the Indian lands on said Island, on any pretence whatsoever. The expence of said committee to be paid by the petitioners.

LX.

Report of the committee appointed to repair to *Atbol*, and district of *Orange*, to hear the parties, and adjust all disputes between them. *November 14, 1785.*

The committee appointed by a resolve of the General Court, passed the 24th day of *June* last, to repair to the town of *Atbol*, and district of *Orange*, hear the parties, and finally adjust all disputes that do now exist between the said town of *Atbol*, and such of the inhabitants of the said district of *Orange* as were set off from the said town of *Atbol*, respecting debts contracted previous to the incorporation of the said district, and also such taxes as may have been assessed, pursuant to any vote, or votes of the said town of *Atbol*, subsequent to the incorporation of the said district, having attended the business assigned them, and heard the parties by their several committees duly authorized, report as their opinion, that by the act for incorporating the said district of *Orange*, the inhabitants thereof which were set off from the said town of *Atbol*, are held to pay the tax assessed upon them, pursuant to a vote of the said town, passed the fifteenth day of *October*, 1783, as well as those assessed upon them by previous votes, and that they pay the same accordingly.

That the Collectors in the said town of *Atbol*, proceed to collect the tax aforesaid, in the same manner as tho' no exception had been made thereto, but direction had been given for the collection thereof, in the resolve of the General Court of the fifth of *March* last, relative to the collection of taxes due from the said inhabitants of the said district of *Orange*, to the said town of *Atbol*.

That the said inhabitants of the said district of *Orange*, pay to the said town of *Atbol*, the sum of *three pounds twelve shillings*, being the sum advanced to the committee by the said town.

And that when the said inhabitants of the said district of *Orange*, shall have paid the taxes and sum of money aforesaid, they shall be considered as having discharged their full proportion of all debts contracted by the said town of *Atbol*, previous to the incorporation of the said district of *Orange*, and that the said town of *Atbol*, shall have no further demand upon them therefor.

EBENEZER BRIDGE, per order.

Read and accepted.

LXI.

Message from his Excellency the Governour, by the Secretary. *November 14, 1785.*

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

THE Legislature of the State of *Rhode-Island*, at their late session, passed an act for regulating trade and commerce. It is somewhat similar to
our

our Navigation act, so far as it respects vessels belonging to subjects of the King of *Great-Britain*; but it has no reference to any other foreign vessels. —I received it by the post, with a letter from Governour *Greene*, who writes me the 6th instant, that he had sent a copy of it by express, to the Governour of *Connecticut*, enclosed in a letter, urging the necessity of their passing a similar one.

The act, with Governour *Greene's* letter, will be laid before you by the Secretary, for your further information.

I have lately had a letter of the 10th of *September*, from the Secretary of Congress, relative to a petition of Lieutenant-Colonel *Badlam*, which with resolves of the Legislature of this State, was communicated to Congress by a letter from the late Governour, dated *March 30, 1784*.

The said Secretary writes me, agreeably to the command of Congress, "that as it would in itself be highly improper, so Congress cannot, without opening a door to endless applications, take any cognizance of Mr. *Exra Badlam's* case, nor grant him the relief he prays in his petition." The letter Gentlemen, will be delivered to you by the Secretary.

JAMES BOWDOIN.

COUNCIL-CHAMBER, November 14, 1785.

LXII.

Resolve on the petition of *Seth Warren*, for a re-hearing of a certain action, he to notify the adverse party to shew cause, &c. *November 14, 1785*.

On the petition of *Seth Warren*, praying for a re-hearing or trial in an action brought against him by *David Ensign*, also for staying execution in said cause, for reasons set forth in said petition:

Resolved, That the petitioner cause the said *Ensign*, or his Attorney, to be served with an attested copy of the said petition, with this resolve, fourteen days at least before the second Wednesday of the next sitting of the General Court, then to shew cause, if any he hath, why the prayer of said petition should not be granted, and that execution be stayed in the mean time.

LXIII.

Resolve on the petition of *William Hull* and others, the committee of the first precinct in the town of *Newton*, authorizing the present Assessors, to annex a warrant to the assessment, and making the same valid. *November 14, 1785*.

On the petition of *William Hull* and others, the committee of the first precinct in the town of *Newton*, representing that in the year 1782, the Assessors of the said precinct assessed on the inhabitants thereof, the sum of *two hundred and sixty pounds*, but omitted to annex a warrant to the said assessment, until the year for which they were chosen had expired, and praying the interposition of this Court.

Resolved,

Resolved, That the present Assessors of the said precinct be, and they are hereby authorized and empowered, to annex a warrant to the said assessment; which said warrant, annexed as aforesaid, shall be as good and valid in law, for the compelling of the payment of the said tax, as if the same had been annexed to the said tax, at the time of assessing the same.

LXIV.

Resolve on the petition of the Selectmen of *Grafton*, granting them *four pounds ten shillings*, for the use of *George Geyer*. November 14, 1785.

On the petition of the Selectmen of *Grafton*, in behalf of *George Geyer*, who was maimed in the public service in the army, in the last *French* war :

Resolved, That there be paid out of the treasury of this Commonwealth, the sum of *four pounds ten shillings*, into the hands of the Selectmen of *Grafton*, for the use of the said *George Geyer*, in full for the said *George's* pension, from the first day of *June*, 1783, at which time his last grant determined, up to the first day of *September*, 1785.

LXV.

Resolve making provision for defraying the expences of the survey and sale, of certain lands in the county of *Berkshire*. November 14, 1785.

Whereas by a resolve of the 28th day of *June* last past, a committee was appointed to dispose of all the unappropriated lands belonging to the Commonwealth, lying in the county of *Berkshire*, except the lands on *Husock-Mountain*, and those which have been confiscated to the use of Government. And whereas suitable provision is not made in said resolve, for defraying the expences of the survey and sale of said lands :

Resolved, That *four per cent.* of the sum for which the aforesaid lands shall be sold, shall be paid in hand, at the time of sale, in lawful money of this Commonwealth, and shall be reckoned as part of the one fourth of the sum required by said resolve, to be paid in hand in consolidated securities of this State.

LXVI.

Resolve on the petition of *Oliver Chapin*, directing the Naval-Officer for *Dukes-County*, to deliver the articles mentioned, he paying the duties of impost. November 16, 1785.

On the petition of *Oliver Chapin*, setting forth that he landed at *Holmes-Hole*, several articles of merchandize, which were seized by the Collector of Excise, and Naval-Officer of the county of *Dukes-County*, for having been landed without permit, and contrary to law, and it appearing to this Court, that said *Chapin* had no design to evade the law, in landing said articles : Therefore

Resolved, That the Collector of Excise and Naval-Officer for the county of *Dukes-County* be, and they are hereby directed to deliver said articles to

said *Chapin*, he paying all such duties of impost and excise, as he ought to have paid on landing the same, and also settling with the Collector and Naval-Officer, respecting such proportion as, by law, accrues to them from said seizure.

LXVII.

Resolve appointing the Honorable *Seth Washburn*, *Charles Turner*, *Ezra Sargeant*, Esq's. *Mr. Thomas Clarke* and *Mr. Josiab Stearns*, a committee on accounts. *November 17, 1785.*

Resolved, That *Seth Washburn*, *Charles Turner* and *Ezra Sargeant*, Esq's. *Mr. Thomas Clarke* and *Mr. Josiab Stearns*, be a committee to receive, examine and pass on all accounts, that are now, or may hereafter be exhibited, for the support of such indigent persons, as are the proper charge of the State; and all other accounts, (those only excepted that are, or may be committed to a special committee,) that shall be exhibited for services performed, cash advanced, or property sold for the use of this Commonwealth, by order of the General Court, or any person or persons authorized to incur such expence, where the same are properly vouched; and that the committee be vested with the same powers, and observe the same rules which were prescribed in a resolve of the General Court, passed the fifteenth day of *March*, one thousand seven hundred and eighty-three, appointing a committee to examine and pass on accounts: Provided nevertheless, that the said committee do not sit on the business of their appointment, at any time in the recess of the General Court.

LXVIII.

Resolve on the petition of *Benjamin Allen*, reversing a judgment obtained against him in favour of *Isaac Howland* and *Joseph Russell*, in *July* last, and granting him a new trial at the Court of Common Pleas, to be held at *Boston*, on the first Tuesday of *January* next, and he to notify the adverse party thereof. *November 17, 1785.*

On the petition of *Benjamin Allen*, praying that a judgment obtained against him, at a Court of Common Pleas, held at *Boston*, within, and for the county of *Suffolk*, on the first Tuesday of *July* last, in favour of *Isaac Howland*, and *Joseph Russell*, may be set aside, and a new trial ordered thereon; for reasons set forth in his petition:

Resolved, That the above described judgment be, and hereby is reversed, and rendered null and void; and that a new trial be had on the same case, at the Court of Common Pleas, to be held at *Boston*, within and for the county of *Suffolk*, on the first Tuesday of *January* next; and the Justices of the same Court, are hereby empowered and directed to hear and determine the same, in all respects, as they should, or ought to do, if the same case was regularly depending by continuance in the said Court; and that execution on the aforesaid judgment, be stayed; and that the said *Benjamin Allen*, serve the said *Isaac Howland* and *Joseph Russell*, with an attested copy of this resolve, fourteen days at least, before the sitting of said Court.

LXIX.

LXIX. Resolved, That the Court doth hereby resolve on the petition of *Stephen Choate*, Esq; granting to *Benjamin Greenleaf*, Esq; his heirs, &c. seven hundred acres of land, to be laid out in the county of *Cumberland* or *Lincoln*, under the direction mentioned, and empowering the committee, on condition. *November 17, 1785.*

On the petition of *Stephen Choate*, Esq; setting forth, that pursuant to a grant of the Great and General Court of the province of *Massachusetts-Bay*, unto the late *John Choate*, of *Ipswich*, Esq; was surveyed and laid out by *Richard Hazzen*, Esq; a tract of land, containing two hundred and fifty acres, in the township of *Metuen*, and confirmed in *April, 1734*: that the said *John*, by his deed with warrantee, sold the said tract to *John Greenleaf*, of *Newbury*, Esq; who by his last will and testament, devised the same to his son, *Benjamin Greenleaf*, Esq; the present claimant: that the said land, by settling the boundary line between the government of *Massachusetts* and *New-Hampshire*, together with about one hundred acres of land more, belonging to the said *Greenleaf*; which he held by a like tenure, fell within the government of *New-Hampshire*; in consequence of which, the said *Greenleaf* was ousted of a part of the said land, and obliged to purchase the residue of the proprietors holding under *John Tutton Mason*, Esq;—and that the said *Greenleaf* cannot legally obtain a compensation for his loss, in any other way than by demanding the same of the heirs of the said *John Choate*; and thereupon praying the interposition of the Legislature, and that a reasonable compensation may be made to the said *Greenleaf*, on condition of his relinquishing all demands against the heirs of the said *John Choate*, for the said land:

Resolved, That there be, and hereby is granted to the said *Benjamin Greenleaf*, Esq; his heirs and assigns, a tract of land, containing seven hundred acres, to be laid out in the county of *Cumberland* or *Lincoln*, under the direction of the committee, appointed by a resolve of Court, the 28th of *February, 1783*, on the subject matter of the unappropriated lands in the county of *Lincoln*; who are hereby empowered, in behalf of this Commonwealth, to make and execute a good deed of the same, on condition that the said *Benjamin Greenleaf* relinquish all demands against the heirs of the said *John Choate*, on account of the said lands, sold by him to the said *John Greenleaf*; which seven hundred acres of land, shall be considered as a full compensation for the loss in the grant made to the said *John Greenleaf*, as well as the loss in the grant made to the said *John Choate*, by the settlement of the line between the governments aforesaid.

LXX.

Resolved on the petition of *Hannab Hutchins*, directing the Treasurer to pay to the lawful heirs of *Noab Hutchins*, the wages mentioned. *November 18, 1785.*

On the petition of *Hannab Hutchins*, setting forth, that *Noab Hutchins*, late of *Kittery*, deceased, served in the American army as a private soldier; and that since his decease, his wages for said service have been drawn from the public treasury by a forged order:

Resolved,

Resolved, That the Treasurer of this Commonwealth is directed to pay to the lawful heirs of the above-named *Noah Hutchins*, the sum due to him at the time of his decease, for his services in the American army as aforesaid; said wages being paid to *Eli Sumner*, on a forged order, notwithstanding.

LXXI.

Message from his Excellency the Governour, by the Secretary, November 18, 1785.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

BY the post I had several letters from *New-York*, which it is proper should be communicated to you. Two of them are from the Secretary of Congress, dated the 25th of *October* and 7th of *November*, accompanied with a state of the representation in Congress, and with copies of the continuation of the journal of Congress. One of them is from the Board of Treasury, dated the 1st instant, enclosing the loan-office ordinance, passed by Congress the 30th of *September*, together with the bonds and oath of office, required from the Commissioner of the Continental Loan-Office in this State. As you, gentlemen, are the proper judges of the sufficiency of the sureties that may be offered, you will please to take the necessary measures for the completion of the bonds required of that officer.

The two other of those letters are from our delegates in Congress, dated the 2d and 6th instant. The first contains some observations relative to the confederation and the powers of Congress, which are communicated for your consideration. The latter respects the institution of the federal Court, for adjusting the interfering claims of this State and *New-York*; and also the agency of our delegates in that business, which ceased the 6th instant, with the Congress of the past year. As the situation of the controversy makes it expedient that the Commonwealth should have agents in Congress, I would recommend, gentlemen, that our delegates for the new year should have the same powers given to them, in regard to that affair, as were given to our delegates of the last year.

The several letters and papers abovementioned, will be laid before you by the Secretary.

JAMES BOWDOIN.

COUNCIL-CHAMBER, November 18, 1785.

LXXII.

Resolve on the petition of *Samuel Stearns*, admitting him to the same privileges as other prisoners taken on execution, and authorizing two justices to administer to him the oath prescribed by law in that case, and discharging him from goal. November 19, 1785.

Whereas it is represented to this Court, that a certain *Samuel Stearns* is confined in the goal in the county of *Worcester*, for a debt due to this Commonwealth, which he is unable to pay, or any part thereof:

Therefore *Resolved*, That the said *Samuel Stearns* shall be, and he hereby is admitted and intitled to the same privilege and advantage, that poor prisoners

oners taken on execution, and confined in goal for debt, at suit of a private individual, by law are.

And be it further Resolved, That any two Justices of the Peace, *quorum unus*, are hereby fully authorized, at the request of the said *Samuel*, to administer to him the oath prescribed by law, in that case made and provided, without giving and further notice to the Commonwealth, or to any person in their behalf. And the keeper of the said goal, his under-keeper or deputy, are hereby authorized and directed to discharge the said *Samuel*, upon his taking the said oath, and paying the prison charges; provided that he the said *Samuel* is detained in the said goal for no other cause, matter or thing, than the debt of the Commonwealth aforesaid.

LXXIII.

Resolve on the petition of *James Perry*, declaring valid a certain deed. November 19, 1785.

On the petition of *James Perry*, of *Easton*, praying for the establishment of a deed given to him, signed by *Nathaniel Morton*, one of the committee of sales on absentees estates in the county of *Bristol*:

Resolved, That the prayer of the petition be granted, and that the deed signed by *Nathaniel Morton*, one of the committee of sales on absentee's estates, in the county of *Bristol*, bearing date *December* the 8th, 1779, be, and it hereby is declared good and valid to all intents and purposes, as it would have been had two of said committee signed said deed, any law or resolve to the contrary notwithstanding.

LXXIV.

Resolve on the petition of *Stephen Crofoot*, discharging him from our execution, and directing the excise officer to return the money mentioned, he paying costs. November 19, 1785.

On the petition of *Stephen Crofoot*, praying for a discharge from an execution for the sum of *fifty pounds*, in favour of the collector of impost and excise in the county of *Berkshire*:

Resolved, That the prayer of said petition be granted, and that the exciseman aforesaid be, and he is hereby directed and required to discharge said execution, and to return to the said *Stephen* the money and property which have been taken from him by virtue of said execution; he the said *Stephen* paying all legal costs which have arisen, and the excise on 32 gallons of *West-India rum*.

LXXV.

Resolve on the petition of *Timothy Bigelow*, granting him *seven pounds fifteen shillings and two pence*, for a certain allowance in 1777. November 19, 1785.

On the petition of *Timothy Bigelow*, Esq; praying for an allowance for *thirty dollars*, of continental currency, by him paid in the year 1777, for taking up one *Caleb Green*, an infamous and dangerous person:

Resolved, There be allowed and paid out of the public treasury of this Commonwealth, unto *Timothy Bigelow*, Esq; the sum of *seven pounds fifteen shillings and two pence*, which shall be in full of principal and interest of the said *thirty dollars* by him advanced as aforesaid.

LXXVI.

Message from his Excellency, by the Secretary. *November 19, 1785.*

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

YOU have been informed of an act of Congress of the third of *November, 1783*, directing the Paymaster-General to deposit in the hands of the regimental agents, the certificates for the arrears of pay due to the officers and soldiers of the respective lines of the late *American* army, to be by them delivered to the individuals to whom they belong, or deposited for their benefit, as the Supreme Executive of their respective States shall direct. On the subject of that act you passed a resolve of the second of *July* last, which, with the act, I laid before the Council, who advised that the regimental agents, belonging to this Commonwealth, should be directed to deposit the certificates in the Secretary's office, and the Secretary notified the said agents by the public prints accordingly. Notwithstanding which, there has been but one compleat regimental return made into his office; and the applications daily made, are for the returns in general. You will please, gentlemen, to take this matter into your consideration, and determine in what manner the delinquent agents shall be obliged to make their returns as directed, and to point out what measures may be expedient to be adopted by the Secretary to prevent or detect any fraudulent applications for such certificates.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *November 19, 1785.*

LXXVII.

Resolve directing the committee appointed by a resolve of the 28th *October, 1783*, to dispose of part of the island of *Mount-Desert*, without a re-survey of said island. *November 21, 1785.*

Upon the representation of the committee appointed by a resolve of the General Court, of the 28th of *October, 1783* :

Resolved, That the said committee be, and they hereby are empowered, to dispose of that part of the island of *Mount-Desert*, which is the property of this State, without ordering a re-survey or further examination of the said island.

LXXVIII.

Resolve adjourning the Court of General Sessions of the Peace, and Court of Common Pleas, to be holden at *Plymouth*, in the county of *Plymouth*, on the second Tuesday of *December* next, to the second Tuesday of *January* next. *November 22, 1785.*

Whereas

Whereas a Court of General Sessions of the Peace, and a Court of Common Pleas, are by law to be holden at *Plymouth*, within and for the county of *Plymouth*, on the second Tuesday of *December* next; and whereas the fifteenth day of the said *December* is appointed for a day of Public Thanksgiving, which renders it inconvenient that the said Courts should be holden at the time appointed by law: Therefore,

Resolved, That the Court of General Sessions of the Peace, and Court of Common Pleas, which by law should be holden at *Plymouth*, within and for the county of *Plymouth*, on the second Tuesday of *December* next, be, and they are hereby adjourned to the second Tuesday of *January* next, then to be holden at *Plymouth*, within and for the county aforesaid: and all writs, process and recognizances, returnable to, and all appeals made to the said Court of General Sessions of the Peace, and Court of Common Pleas, appointed by law to be holden at *Plymouth* as aforesaid; and all matters, causes and things, that might have had day, or that might have been had, moved or done, at, in or by the said Courts, at the time by law appointed for holding the same, shall be returnable to, and may be entered, prosecuted, had, moved and done, at, in and by the said Courts, at the time hereby appointed for holding the same, any law to the contrary notwithstanding.— And the Secretary is hereby directed to publish this resolve in the two *Loston* news-papers which shall be printed next after passing the same.

LXXIX.

Resolve on the petition of *Valentine Wheeler*, directing the Excise Master of the county of *Berkshire*, to discharge the said *Valentine* of the sum mentioned. *November 22, 1785.*

On the petition of *Valentine Wheeler*, praying to be discharged of the sum of *fifty pounds*, remaining due on an execution issued against him in favour of the Excise Master of the county of *Berkshire*:

Resolved, That the prayer of said petition be granted, and that the Excise Master aforesaid be, and he hereby is directed and required, to discharge the said *Valentine* of the said sum of *fifty pounds*, remaining due on the execution aforesaid.

LXXX.

Resolve on the petition of *Timothy Walker*, directing the Treasurer to pay the sum mentioned. *November 23, 1785.*

On the petition of *Timothy Walker*, setting forth, that he served three months in the late American army, in the year of our Lord, 1781, in Capt. *Abel King's* company, in Col. *Sears's* regiment, and that he was omitted in said *King's* original pay-roll: and it appearing by another pay-roll, made by the said *King*, that said *Walker* served as a serjeant in his company, during the aforesaid term, and was entitled therefor, to the sum of *ten pounds*, but was by him omitted in his original pay-roll:

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed, to pay to the said *Timothy Walker*, the sum of *ten pounds*, in full for his service aforesaid, in the same manner as he would have done, had the said *Walker* been made up in the said *King's* original pay-roll: the same to be charged to the United States.

Resolve

LXXXI.

Resolve on the petition of *Ephraim Flagg*, to notify the adverse party to shew cause, and staying execution in the mean time. *November 24, 1785.*

On the petition of *Ephraim Flagg*, praying for leave to re-enter an action in the next Supreme Judicial Court to be holden in the county of *Middlesex*, which was brought against him by the administratrix on the estate of *John Winn*, late deceased, upon a note of hand, upon which judgment was recovered against him at the Supreme Judicial Court held at *Cambridge*, in said county, in *October* last :

Resolved, That *Ephraim Flagg* aforesaid notify the aforesaid administratrix to appear on the second Wednesday of the next sitting of the General Court, to shew cause (if any she have) why the prayer of his petition may not be granted, by serving her with an attested copy of his petition, with this resolve thereon, fourteen days at least, before the second Wednesday aforesaid, and that execution be stayed in the mean time.

LXXXII.

Resolve on the petition of *Jabez Metcalf*, directing him to notify *John Ayres* to appear before the General Court, at the time, and for the purpose mentioned. *November 24, 1785.*

On the petition of *Jabez Metcalf*, praying for a new trial on two actions brought in the county of *Bristol*, by *John Ayres*, junior, one against the said *Jabez Metcalf* and *John Metcalf*, and the other against the said *Jabez Metcalf* alone, as set forth in his petition :

Resolved, That the petitioner notify the said *John Ayres*, junior, that he appear and shew cause, if any he has, why the prayer of said petition should not be granted, on the second Wednesday of the next sitting of the General Court, by leaving an attested copy of his petition, and this order thereon, at the last and usual place of the abode of the said *John Ayres*, junior, or his attorney, fourteen days at least before the next sitting of the said General Court, and that in the mean time execution be stayed.

LXXXIII.

Resolve on the petition of *Benjamin Smith*, administrator on the estate of *Israel Cagnebew*, deceased, empowering the committee to divide the land mentioned, to adjust demands, and to allow accounts, &c. *November 24, 1785.*

Whereas *Benjamin Smith*, of *Edgartown*, in *Duke's-County*, administrator on the estate of *Israel Cagnebew*, Indian man, late of said *Edgartown*, deceased, has represented, and it appears to this Court that the said *Cagnebew* died seized of a considerable real estate, consisting of land, and a dwelling-house in said *Edgartown*; and that in his last sickness he contracted several debts to a considerable amount, and the said *Cagnebew* did not leave, at his death, personal estate sufficient to discharge said debts: Therefore

Resolved, That the said *Benjamin Smith* be, and he hereby is authorized

and impowered to make sale of said house, at public auction or private sale, giving previous notice thereof at least twenty days, by posting up written notifications thereof in some public places in said town; and the purchaser or purchasers of said house shall remove the same off said land, within thirty days after the sale thereof.

And be it further Resolved, That *Walter Spooner, Solomon Freeman* and *Shearjashub Bourne*, Esq's, who are appointed a committee by this Court to divide the lands between the proprietors of the island called *Chappaquidick*, be, and they hereby are impowered to inquire into and adjust the several demands on the estate of the said *Cagnebew*, and to allow such accounts as to them shall appear just and reasonable, and certify the same under their hands to the Judge of Probate for *Duke's-County*, who shall thereupon order the same to be paid out of the net proceeds of the sale of said *Cagnebew's* house and personal estate; which proceeds the said *Smith* is hereby ordered to present to the said Judge, to be recorded in the register's office for recording of wills, &c.

LXXXIV

Resolve on the petition of *Jonathan Hale, jun.* and *David Burt*. November 24, 1785.

On the petition of *Jonathan Hale, jun.* and *David Burt*, praying that the several sums of money by them received on sales of powder, the property of this Commonwealth, in the year 1777, may be reckoned according to the value thereof by the scale of depreciation in *January, 1778* :

Resolved, For reasons set forth in said petition, that the said *Hale* and *Burt* account with the committee for liquidating accounts, for the several sums of money they received for the sales of powder, in the year 1777, by order of the General Court, and for which they are accountable, amounting in the whole to *five hundred and eighty-three pounds, six shillings and eight pence*, according to the true value thereof, computed by the scale of depreciation in *January, 1778* : and the said committee are hereby directed to govern themselves accordingly.

LXXXV

Resolve on the petition of the selectmen of *Boston*, impowering *Benjamin Henderson* to collect taxes mentioned. November 24, 1785.

Upon the petition of the selectmen of the town of *Boston* :
Whereas the Assessors of the town of *Boston*, committed to *Abraham Savage*, a Collector for the town of *Boston*, in the years one thousand seven hundred and seventy-two, and one thousand seven hundred and seventy-three, certain assessments of taxes, as well the then province taxes as county and town taxes; the collections of which taxes being never completed, the said *Savage* went away and joined himself to the *British* army, and continued his allegiance to the King of *Great-Britain*, and has, since the peace, delivered the same lists of assessment to *Benjamin Henderson*, of said *Boston*, yeoman, with his power of an attorney for the collection of the same : Therefore

Resolved, That the said *Benjamin Henderson* be, and he hereby is empowered to demand of all persons, from whom any sum or sums of money may be due upon the same assessments, whatever may be so due from them respectively; and upon their neglect or refusal to pay the same, to bring in his own name any action or actions of debt necessary for the recovery of the same, and to prosecute the same, by himself or his lawful attorney, to final judgment and execution; he the said *Henderson* being accountable to the inhabitants of the town of *Boston*, for any sum or sums he may recover upon the same assessments.

LXXXVI.

Resolve on the petition of *Dudley* Indians, requiring their guardians to make a true representation of their proceedings to the General Court next sitting.
November 24, 1785.

On the petition of a tribe of Indians, commonly called the *Dudley* Indians, praying the removal of one of their guardians, and another to be appointed in his stead, for reasons set forth in their petition:

Resolved, That the petition be so far granted, that the guardians aforesaid be, and hereby are required to state a true representation of their proceedings in said trust to the General Court, on the second Wednesday of their next sitting; that the Court may take further order thereon, as then may appear expedient.

LXXXVII.

Message from his Excellency the Governour, by the Secretary. November 24, 1785.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

UPON receiving information from our excise officer, at *Maebias*, that the inhabitants of *Moose-Island*, in *Passamaquoddy-Bay*, in this Commonwealth, had been notified by the Sheriff of the county of *Charlotte*, in the British province of *New-Brunswick*, to send jurors to that County Court, on penalty of forfeiting their estates, in case of refusal, I wrote a letter on the subject to Mr. *Carleton*, Governour of that province, dated the 9th of *September*. As I was not informed that Governour *Carleton* had interposed his authority, I mentioned to him, that I was inclined to believe my informant was mistaken in his opinion, that the government of *New-Brunswick* had given its sanction to a measure altogether unexpected and unsupportable; and that I assured myself he would issue orders effectually to prevent the above-mentioned, and every other encroachment on the territorial rights and sovereignty of this Commonwealth, and of the United States.

To that letter I have received an answer, dated at *St. John's*, the 18th of *October*, which not only justifies the proceedings of the Sheriff, but contains an implied declaration, that the said *Island*, with several other *Islands*, is, by virtue of the treaty of peace, within that province.

As it seems clear, they mean to obtain possession of those *Islands* by compelling the inhabitants to acknowledge the right of jurisdiction to be in the government

government of *New-Brunswick*, I think it highly expedient you should be informed of their proceedings as soon as may be, that such measures may be adopted concerning them, as you shall judge suitable.

Of those proceedings, Congress have been informed by my letter to our Delegates: and have sent an account of them to the Minister of the United States, at *London*.

My letter to Governour *Carleton*; and his answer to it, will be delivered to you, Gentlemen, by the Secretary.

JAMES BOWDOIN.

COUNCIL-CHAMBER, November 24, 1785.

LXXXVIII.

Resolve on the petition of *James Athearne* and *Shubael Cottle*, in behalf of of the town of *Tisbury*, abating a tax. November 24, 1785.

On the petition of *James Athearne* and *Shubael Cottle*, in behalf of the town of *Tisbury*, praying that the said town of *Tisbury* may be abated a tax, made in the year 1777, for reasons set forth in said petition:

Resolved, That the sum of *one hundred twenty-six pounds, eighteen shillings and five pence*, be abated the said town of *Tisbury*; and that the Treasurer be, and he is hereby directed, to credit the said town of *Tisbury* for the said sum of *one hundred twenty-six pounds, eighteen shillings and five pence*, and that the said town of *Tisbury* have liberty to pay the sum of *ninety-three pounds*, the remainder of said tax, in consolidated securities of this Commonwealth; and the Treasurer is hereby directed, to receive the same in discharge of the said tax.

LXXXIX.

Resolve discharging *John Lucas*, Esq; of several sums of money, previous to the fourth of *January* last, and granting him *six hundred and sixty-four pounds four shillings and six pence*, in full of all his expenditures, including his services to the first of *January*, 1785. November 24, 1785.

On the report of the committee for stating and methodizing public accounts; stating that they had examined the accounts of *John Lucas*, Esq; Commissary of Pensioners, and that the same were properly vouched; and that there was a balance of *six hundred and sixty-four pounds, four shillings and six pence*, due to him the first day of *January*, 1785:

Resolved, That the said *John Lucas*, Esq; be, and he is hereby discharged of all sums of money, for which he was made accountable, previous to the first of *January* last; and that there be allowed and paid out of the public treasury of this Commonwealth, to the said *John Lucas*, the sum of *six hundred sixty-four pounds, four shillings and six pence*, which is in full of all his expenditures, including his services and office hire, up to the said first day of *January*, one thousand seven hundred and eighty-five; and that the same be charged to the United States,

Resolve

XC.

Resolve on the petition of *Jesse Ware*, directing him to notify *James Nichols* to appear at the time and place mentioned. November 24, 1785.

On the petition of *Jesse Ware*, of *New-Braintree*, in the county of *Worcester*, praying for a re-entry of an action, in the Supreme Judicial Court, brought against him by *James Nichols* :

Resolved, That the said *Jesse Ware*, cause the said *James Nichols* to be cited to appear on the second Wednesday of the next sitting of the General Court, to shew cause (if any he hath) why the prayer of said petition should not be granted, by lodging with the said *James Nichols*, or at his dwelling-house in *Brookfield*, in the county aforesaid, an attested copy of the above-mentioned petition, and this order thereon, at least thirty days previous to the second Wednesday aforesaid ; and that all proceedings by virtue of an execution on the judgment mentioned in said petition, be in the mean time stayed.

XCI.

Resolve on the petition of *Job Ransom*, directing the Treasurer to make out notes, similar to those of which he was defrauded. November 24, 1785.

On the petition of *Job Ransom*, setting forth, that he was a soldier in the Continental army ; and that there was due to him, the sum of *twenty-one pounds, two shillings and six pence*, for his services ; and it appearing to this Court that the wages aforesaid were drawn by a forged order, drawn in favour of *John White* :

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed, to make out and deliver to the said *Job Ransom*, notes of the same tenor, and sums, that those notes were of, which were delivered upon the aforesaid forged order.

XCII.

Resolve on the petition of the widow *Sarah Smith* and *Stephen Phelps*, directing the Treasurer to pay the several sums that appears due to them. November 24, 1785.

On the petition of the widow *Sarah Smith*, praying for wages due to her late husband *Joseph Smith* ; and on the petition of *Stephen Phelps*, praying for wages due to him, being both for services performed in the Continental army, which wages have been drawn by forged orders :

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed to pay to the said *Sarah Smith*, and to the said *Joseph Phelps*, the several sums that appear to be due to them respectively, on their producing such sufficient vouchers as the law directs to entitle them to receive the same, in the same manner he would have paid them if the same had not been paid on the forged orders aforesaid.

Resolve

XCIII.

Resolve on the petition of *Aaron Chamberlain*, granting him a tract of land, adjoining to *Buckland* and *Ashfield*, and appointing a committee to set off the same. November 24, 1785.

On the petition of *Aaron Chamberlain*, praying that a tract of uncultivated public land, adjoining to *Ashfield* and *Buckland*, may be granted to him, for reasons set forth in said petition :

Resolved, That one half, both for quantity and quality, of a tract of uncultivated public land, adjoining to *Buckland* and *Ashfield*, and containing in the whole four hundred and ten acres, as surveyed by *Samuel Taylor*, be, and hereby is granted to the said *Aaron Chamberlain*, as administrator on the estate of his father, *Samuel Chamberlain*, deceased, in full compensation for the loss and damage by him sustained, as set forth in said petition ; and that *Samuel Taylor*, *David Smead* and *Hugh McClellan*, Esq's. be a committee to set off the same, beginning at the west end thereof ; the said committee to make return of their proceedings herein to the Secretary of this Commonwealth, as soon as may be ; and the said *Chamberlain* to pay any expence that may arise by the division as aforesaid.

XCIV.

Resolve on the petition of *Amos Singletary*, granting him a tract of land, &c. November 25, 1785.

Whereas *Amos Singletary*, Esq; has represented and made it to appear, that his ancestors were original proprietors in the town of *Haverhill*, and had laid out to them, one hundred and ninety-five acres of land in that part of *Haverhill*, which, by the line run by the then province of *New-Hampshire*, fell within the limits thereof ; that the said land was by his said ancestors conveyed to him, and that he has never received any compensation for said land : Therefore

Resolved, That there be granted to said *Amos Singletary*, in fee simple, a certain tract of unappropriated land, lying partly in the town of *Rowe*, in the county of *Hampshire*, and bounded northerly upon a grant formerly made to *Cornelius Jones*, called *Merryfield*, and westerly upon *Fulbam's* grant, and easterly upon *Pierce's* grant, adjoining to a large brook, and southerly upon said unappropriated lands, running from the south-east corner of said *Fulbam's* grant, south, forty degrees east, to the aforesaid *Pierce's* grant, containing near four hundred acres, in full compensation for the land lost by said *Singletary* in running the line as aforesaid, provided the aforesaid grant shall not extend further southward than to include four hundred acres.

And it is further Resolved, That *Samuel Taylor*, Esq; be, and he hereby is directed to lay out the above described tract of land, and to return a plan thereof to this Court as soon as may be, the said *Singletary* defraying the charge thereof.

XCV:

Resolve on the petition of *Grafton Gardner*, in behalf of several creditors to the estate of *Timothy Ruggles*, empowering the Judge of Probate of the county of *Worcester*, to appoint commissioners to examine their claims. *November 25, 1785.*

On the petition of *Peleg Coffin*, junior, in behalf of *Grafton Gardner*, Esq; and *Enoch Gardner*, and of *William Jernegan*, in behalf of *John Norton*, *Thomas Dagget*, *Samuel Cobb* and *Beulah Coffin*, representing that they have just claims against the estate of *Timothy Ruggles*, late of *Hardwick*, in the county of *Worcester*; Esq; an absentee, and that they had no notice of the appointment of commissioners on the claims against the said *Ruggles's* estate:

Resolved, That the Judge of Probate for the county of *Worcester* be, and he hereby is authorized and empowered to appoint a commissioner or commissioners to examine the claims of the said *Grafton Gardner*, *Enoch Gardner*, *John Norton*, *Thomas Dagget*, *Samuel Cobb* and *Beulah Coffin*, against said *Ruggles's* estate, in the same manner as if the same had been timely presented for examination; and if the same shall be found to be just and reasonable, the said Judge of Probate is hereby directed to certify the same to the Governor and Council, which shall be paid out of the net proceeds of the said *Ruggles's* estate, when the remainder thereof shall be sold, in the same proportion as the other creditors to the said estate have heretofore been, and shall hereafter be paid; provided that the proceeds of such sale shall be sufficient for that purpose.

XCVI.

Resolve on the petition of *John Starbird*, empowering him to re-enter the action mentioned, and staying execution. *November 25, 1785.*

On the petition of *John Starbird*, praying for a new trial in an action, where he was appellant, and *Elizabeth Smith* and *Hannah Smith*, were appellees, at the Supreme Judicial Court, holden at *Falmouth*, in the county of *Cumberland*, in 1783, on which action a judgment was recovered against the petitioner, by non-suit at said Court:

Resolved, That for reasons set forth in the petition, the said *John* be, and he hereby is empowered, to re-enter the said action at the Supreme Judicial Court, next to be holden in and for the said county of *Cumberland*; and the same being so re-entered, the Court are also empowered to proceed thereon, in like manner as they might have done had the same been regularly before them by continuance; provided that the said *John* serve the said appellees, in person, with an attested copy of this resolve, or leave the same at their last and usual places of abode, at least thirty days before the holding of the said Court; and also, that no costs be finally taxed for the said *John*, for the re-entry of the action, nor for any term in which he had not day.

And it is also Resolved, That no further proceedings be had on the said judgement by non-suit, unless the said *John* shall fail to re-enter his action as aforesaid.

XCVII.

Resolve staying all proceedings had in consequence of any resolve passed the General Court the last session, for revising the confederation, and requesting the Governour to transmit this resolve to the delegates of this State in Congress. *November 25, 1785.*

On the subject of revising the articles of Confederation, passed upon at the last sitting of the General Court :

Resolved, That no further proceedings be had, in consequence of any resolve then passed on the said subject, until the further order of this Court ; and that the Governour be requested to transmit this resolve to the delegates of this Commonwealth at Congress, as soon as may be.

XCVIII.

Resolve on the petition of *William Ford*, empowering the Judge of Probate of *Worcester* county, to direct Commissioners to examine his claim against the estate of *Abel Willard*, an absentee. *November 25, 1785.*

On the petition of *William Ford*, praying that the Commissioners on the estate of *Abel Willard*, an absentee, may be empowered and directed to examine and allow a demand he had against the said *Abel Willard* :

Resolved, That the prayer of the petition be granted; and that the Judge of Probate for the county of *Worcester* be, and he hereby is authorized and empowered, to direct the Commissioners, appointed to examine the claims against the estate of the said *Abel Willard*, to examine and allow the demand of the said *William Ford*; he duely supporting the same. And the said *William Ford* is hereby intitled to receive the amount of his said debt, in the same manner as the other creditors of the said *Abel Willard*. *Provided nevertheless,* That if it shall appear to the said Judge of Probate, that the said *William Ford* has already received, or is entitled to receive from the estate of *Abijah Willard*, any part of his said demand, that then, and in that case, the said *William Ford* shall be entitled to receive from the estate of the said *Abel Willard*, no more than the remainder of his said demand, after deducting what has been allowed him out of the estate of the said *Abijah*.

XCIX.

Resolve on the petition of *Oliver Whitney*, in behalf of the town of *Harvard*, directing the assessors to assess the classes No. 4 and 12, for the hire of their men, and to make a warrant in common form the collectors, and to govern themselves agreeable to a resolve of *December, 1780*, and declaring void all the votes of the town respecting averaging the cost of hire. *November 25, 1785.*

On the petition of *Oliver Whitney*, in behalf of the town of *Harvard*, setting forth, that in consequence of a resolve of the General Court of *December, 1780*, for raising the Continental army, the town proceeded to class themselves into sixteen classes, and voted to be responsible for the hire of said men, and the cost of the whole to be averaged on the town ; and the men hired

hired by two classes, viz. No. 4 and 12, have been paid out of the town treasury, which has so embarrassed the other classes, as to prevent the settlement of them; and it being also represented, that all concerned in the subject of the said petition are desirous the prayer thereof should be granted: Therefore

Resolved, That the prayer of the petition be granted, and that the assessors of the town of *Harvard*, for the time being, be, and are hereby directed and required to assess upon the polls and estates of such persons as belong to the classes No. 4 and No. 12, the full sum given by said classes for the hire of their men, which sum has been paid out of the treasury of said town; and to make out a warrant in common form to the collectors of the town, requiring them to collect and pay into the town treasury the sum committed for the use of the town; and the head of each class aforesaid is directed to deliver to the assessors a list of the polls and estates contained in each class, with an account of the cost of the hire of said men.

And it is further Resolved, That the assessors govern themselves by the resolve of *December, 1780*, in making said assessment.

And it is further Resolved, That the other classes in said town, who have not completed the payment of their men, shall proceed without delay to complete the same, agreeable to the aforesaid resolve.

And it is further Resolved, That all the votes of the town that respect the averaging the cost of the hire of the men, and settling with the classes, be, and hereby are declared to be null and void.

C.

Resolve allowing the county Treasurer's accounts of the county of *Suffolk*, and granting a tax of *two thousand pounds*, to be assessed on said county. *November 25, 1785.*

Whereas the Justices of the Court of the General Sessions of the Peace for the county of *Suffolk*, have laid before this Court, the accounts of the Treasurer for the said county, from *May 22d, 1784*, to *May 23d, 1785*; also an estimate of the sum necessary to be raised for defraying the charges of the said county for one year, from the said twenty-third of *May, 1785*; and further praying that the sum of *two thousand pounds*, may be granted for said purpose; and it appearing to this Court, that said sum is necessary, and that the accounts exhibited are right cast, and well vouched; and that the expenditures were for such purposes, as the said Justices were by law authorized to provide for: Therefore

Resolved, That the said accounts be, and they are hereby allowed.

And it is further Resolved, That there be, and hereby is granted, a tax of *two thousand pounds*, to be apportioned and assessed on the inhabitants of the said county of *Suffolk*, and the estates lying within the same, to be collected, paid and applied for the use of the said county, conformably to the laws of this Commonwealth: And inasmuch as a new valuation will probably be soon established,

Resolved, That if the tax hereby granted shall be apportioned and assessed according to the last valuation, the said Justices shall, on a new valuation,
and

and in the next succeeding tax, charge or credit the several towns within the said county, with such sum or sums as might appear to have belonged unto them, had the same been made by such new valuation.

CI.

Resolve on the petition of *Rebecca Raymond*, staying execution. *November 25, 1785.*

On the petition of *Rebecca Raymond*, wife of *Nathan Raymond*, of *Littleton*, in the county of *Middlesex*, praying to be discharged from an execution; in favour of this Commonwealth, against the estate of her said husband, for reasons set forth in said petition :

Resolved, That the prayer of the petition be so far granted, that the said execution be stayed until the further order of the General Court.

CII.

Resolve establishing the pay of the members of the General Court, the President of Senate, &c. *November 25, 1785.*

Resolved, That there be allowed and paid out of the public treasury, the sum of *eight shillings*, to each member of the Honorable Council, and the sum of *seven shillings and six pence*, to each member of the Honorable Senate, and the sum of *seven shillings*, to each member of the House of Representatives ;—for each day they have attended the Council or General Court the present session : also the further sum of one day's pay for every ten miles distance, each member lives from the place of the Court's sitting.

And it is further Resolved, That there be granted and paid out of the public treasury of this Commonwealth, to the Hon. *Samuel Phillips*, jun. Esq; President of the Senate, the sum of *six shillings* per day, for each day's attendance the present session of the General Court ; to the Hon. *Nathaniel Gorham*, Esq; Speaker of the House of Representatives, the sum of *six shillings* per day, for each day's attendance on the General Court, over and above their respective pay as members thereof.

And be it further Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to Mr. *George Richards Minot*, Clerk of the House of Representatives, and also to Mr. *Samuel Cooper*, Clerk of the Honorable Senate, the sum of *forty pounds* each, in part for their services the present year.

CIII.

Resolve on the petition of *Abiezer Edson*, directing the Treasurer to discharge the note mentioned. *November 25, 1785.*

On the petition of *Abiezer Edson*, setting forth that *Josiah Edson*, Esq; an absentee, was indebted to him the sum of *three pounds*, for which the said *Josiah* gave his note of hand, dated *July 28, 1770*, which note was mislaid and lost until the whole of the said *Josiah Edson's* estate was sold by order

der of government, and praying that the sum due on said note might be paid him notwithstanding :

Resolved, That the prayer of the petition be so far granted, that the Treasurer of this Commonwealth be, and he is hereby directed to pay out of the public treasury, the sum of *three pounds*, to the said *Abiezer Edson*, on his delivering to the Treasurer the aforesaid note, and in full discharge thereof.

CIV.

Resolve on the petition of *Reuben Tatman*, &c. inhabitants of *Hubbardston*, appointing a committee to view the circumstances of said town, and report. *November 25, 1785.*

On the petition of *Reuben Tatman*, *Joseph Newton*, *Amos Parker*, *John Williams* and *David Hemmingway*, inhabitants of the town of *Hubbardston*, praying that they may be set off from the said town of *Hubbardston*, and annexed to the town of *Barre*, or that a committee may be appointed by the General Court to view, at the petitioners cost, their situation and circumstances, and report their opinion of the expediency of the petitioners being set off as aforesaid :

Resolved, That *Seth Washburne*, *Abel Wilder* and *Hiram Newhall*, Esq's. be a committee to repair to the town of *Hubbardston*, notify all persons interested, hear their allegations and complaints, view their situation and circumstances, and report their opinion at the next sitting of the General Court; and that the expences arising on the said business be paid in the first instance by the petitioners aforesaid.

CV.

Resolve adjourning the Court for the trial of piracies, at *Salem*, to *Boston*, on the third Wednesday of *February* next, and directing the Sheriff of *Essex* to convey the pirates from the goal in *Salem*, and deliver them to the Sheriff of the county of *Suffolk*. *November 25, 1785.*

Whereas it is expedient, that the Court, which now stands adjourned to the second Wednesday of *February* next, to meet at *Salem*, in the county of *Essex*, for the trial of piracies and felonies, done and committed on the high seas, should be adjourned over to *Boston*, in the county of *Suffolk* :

Resolved, That the Court for the trial of piracies and felonies, done and committed on the high seas, which now stands adjourned to meet at *Salem*, in the county of *Essex*, on the second Wednesday of *February* next, be, and it hereby is further adjourned to meet at *Boston*, in the county of *Suffolk*, on the third Tuesday of *February* next; and all matters and things shall have day in said Court, at said adjournment at *Boston*, as they would have had at the adjournment of said Court to the second Wednesday of *February* next, at *Salem*, as aforesaid: and the said Court are hereby empowered to proceed thereon in the same manner as they might have done, had not the said Court been adjourned as aforesaid.

And

And whereas *Richard Squires* and *John Matthew*, prisoners in the Commonwealth's goal at *Salem*, in the county of *Essex*, stand convicted of felony and robbery on the high seas, and sentence has not yet been passed on them for said offence :

Resolved, That the Sheriff of the county of *Essex* be, and he hereby is directed, to convey the said *Squires* and *Matthew*, to the bounds of the county of *Essex*, and deliver them unto the Sheriff of the county of *Suffolk*, who is hereby directed to receive said prisoners, and convey them to the Commonwealth's goal at *Boston*, in the county of *Suffolk*, and there safely to keep them, until sentence can be passed upon them.

CVI.

Resolve respecting the whale fishery, and directing the Secretary to publish the same in *Adams* and *Nourse's* paper, and the *Essex; Falmouth* and *Plymouth* news-papers. *November 28, 1785.*

Whereas this Court, having a due sense of the high worth and importance of the whale fishery, are desirous of its preservation, not only to this State, but to the United States in general : Therefore

Resolved, That there be paid out of the treasury of this Commonwealth, the following bounties upon Whale Oil of the different qualities hereafter mentioned, *viz.*

- For every ton of white Spermaceti Oil, *five pounds,*
- For every ton of brown or yellow Spermaceti Oil, *sixty shillings,*
- For every ton of Whale Oil, (so called) *forty shillings,*

that may be taken or caught, by any vessel or vessels that are, or may be owned and manned wholly by the inhabitants of this Commonwealth, and landed within the same, from and after the first day of *January* next, until the further order of the General Court.

And be it further Resolved, That the Selectmen of each town within this Commonwealth, where said fishery is carried on, be, and they hereby are empowered and directed to appoint an Inspector, or Inspectors, who (first making oath for the due performance of his or their duty) shall inspect all such oil so landed, with an iron oil searcher, and with a marking iron, mark on the head of each cask so inspected, the initial letters of his name ; describing the quality of the oil by the letters *W. B. Y. W. O.* annexed, and make certificate thereof, to the Selectmen of such town as aforesaid, under oath,—such Inspector or Inspectors, to be paid by the owner or owners of such oil so inspected, on certificate being produced as aforesaid.

And it is further Resolved, That in order to intitle the owner or owners of the oil so taken, landed, inspected and marked as aforesaid, to the bounty or bounties aforesaid, the owner or owners of the vessel or vessels, that took and landed the same, shall produce to the Governour and Council, a certificate from under the hands of the Selectmen of the town, where the said oil was landed and inspected as aforesaid, which certificate shall be in the following words, *mutatis mutandis.*

S. ff. 178 This certifies that the A. B. master, owned by E. F. of in the county aforesaid, arrived at this port, from a whaling voyage on the instant, (or as the case may be) and had on board the following quantities of oil hereafter named, viz.

- Tons of white Spermaceti Oil.
- Tons of brown or yellow Spermaceti Oil.
- Tons of Whale Oil.

The whole of which was landed at said port of and there inspected according to law, and a certificate thereof, under the hand of A. B. sworn Inspector for the port aforesaid, to us produced.

} Selectmen
of

And it is further Resolved, That the said owner or owners, together with the master mentioned in the said certificate, shall each of them subscribe the same; and the said owner or owners, together with the said master, shall make oath before some Justice of the Peace for the same county, in the form following, viz.

YOU A. B. and C. D. do solemnly swear (or affirm) that you were the sole owners of the A. B. master, mentioned in this certificate, during the whole time she was employed on the whaling voyage herein mentioned; and that the quantity of oil aforesaid, was taken or caught by the persons employed on board said vessel, during said voyage; which vessel was navigated and manned wholly by the inhabitants of this State; and that no foreigner, directly or indirectly, hath (or had) any share, part, or interest therein; and that the whole of said oil, was taken or caught, after the first day of December, A. D. 1785.

So help you G O D.

And it is further Resolved, That upon such certificate being produced to the Governour and Council, the Governour, by and with the advice and consent of Council be, and he is hereby empowered to grant a warrant on the Treasurer of this Commonwealth, for the payment of the bounties, in manner as aforesaid.

And it is further Resolved, That the Secretary be, and he hereby is directed to publish the aforesaid resolve, in *Adams and Nurse's, the Essex, Falmouth and Plymouth* news-papers.

CVII.

Resolve on the petition of *Ebenezer Prout*, granting him *twenty-one pounds seven shillings* for his services, and the Treasurer is directed to pay him. *November 26, 1785.*

On the petition of *Ebenezer Prout*, praying for an allowance for his services while serving as clerk to the committee on valuation:

Resolved,

Resolved, That there be allowed and paid out of the treasury of this Commonwealth to *Ebenezer Prout*, the sum of *twenty-one pounds seven shillings*, in full for his services; and the Treasurer is hereby directed to pay the said sum accordingly.

CVIII.

Resolve on the petition of *Marcy Wells*, of *Deerfield*, empowering her to sell the land mentioned. *November 26, 1785.*

On the petition of *Marcy Wells*, of *Deerfield*, in the county of *Hampshire*, widow, guardian to *Sarah Wells* and *Marcy Wells*, of said *Deerfield*, minors, praying that she may be empowered in her said capacity to sell a small piece of land lying in *Carter's* land, so called, in the town aforesaid, containing about eleven acres, bounded easterly on *Deerfield-River*, westerly on land of *John Williams*, southerly on land of *Eldad Bardwell*; and northerly on land of *Thomas Bardwell* :

Resolved, That the prayer of the petition be granted, and that the petitioner be, and she hereby is empowered to sell the above described land for the most the same will fetch, and to make and execute a good deed or deeds to the purchaser or purchasers, she observing the rules and directions of law relating to the sale of estates by guardians, and giving bonds to the Judge of Probate for the county of *Hampshire*, that the proceeds arising by such sale shall be applied, or laid out in other real estate, for the benefit of said minors.

CIX.

Resolve on the memorial of *Nathaniel Gorham*, Esq; administrator on the estate of *Caleb Call*, of *Charlestown*, empowering him to sell a certain house-lot. *November 28, 1785.*

On the memorial of *Nathaniel Gorham*, Esq; administrator on the estate of *Caleb Call*, Esq; late of *Charlestown*, deceased, praying, for certain reasons set forth in his petition, that he may be empowered, in the absence of the other administrator, to sell at private sale to Doctor *Josiah Bartlet*, with the consent of the heirs now in this Commonwealth, the house-lot of said deceased, to satisfy the just debts of said deceased :

Resolved, That the prayer of the petition be granted, and that the said *Nathaniel Gorham*, Esq; as administrator on the estate of said *Caleb Call*, Esq; deceased, be empowered to sell at private sale, with the consent of the heirs of said deceased in this Commonwealth, the house-lot of said deceased, to Doctor *Josiah Bartlet*, notwithstanding the absence of the other administrator out of this Commonwealth, he the said *Nathaniel Gorham* giving sufficient bonds to the Judge of Probate of Wills for the county of *Middlesex*, to apply such part of the proceeds of said sale as shall be necessary therefor, to the discharge of the just debts of said deceased, and account with the Judge for the remainder thereof.

CX.

Resolve on the petition of the managers of *Winckendon* lottery, giving them liberty to publish a list of prizes in any public newspaper. *November 28, 1785.*

Resolved, That the managers of *Winckendon* lottery have liberty to publish a list of prizes in the remaining classes of said lottery in any public newspaper in this Commonwealth, which may appear to them most convenient, any law or resolve to the contrary notwithstanding.

CXI.

Resolve making an establishment for the pay of the members of the Committee of Valuation. *November 28, 1785.*

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to each of the members of the Committee of Valuation, the sum of *eight shillings, per diem*, for his services in that business, in the last recess of the General Court; and *one shilling per diem*, for said services, over and above his pay as a member of said Court, during the present sitting of the same.

CXII.

Resolve allowing the County Treasurer's accounts for the county of *Middlesex*, and granting a tax to be apportioned on the inhabitants, for defraying the charges of said county. *November 29, 1785.*

Whereas it appears upon examination of the Treasurer's accounts for the county of *Middlesex*, that they are right cast and well vouched; and that all the monies granted and allowed by the Court of the General Sessions of the Peace for the said county, for the year 1784, were for such purposes and appropriations, as by law the said Court were empowered to grant:

Therefore *Resolved*, That the said accounts be accepted and allowed.

And whereas it appears from an estimate of the Justices of said Court, made the second Tuesday of *September, 1785*, that the sum of *seven hundred pounds*, will be necessary for defraying the charges of said county, for one year next ensuing: Therefore

Resolved, That there be, and hereby is granted a tax of *seven hundred pounds*, to be apportioned and assessed on the inhabitants of said county, and the estates lying within the same; and collected, paid and applied for the use of the said county, according to the laws of the Commonwealth.

CXIII.

Resolve on the representation of *Samuel Ward*, directing the Treasurer to credit him with a sum of money mentioned, by way of discount. *November 29, 1785.*

Whereas it is represented to this Court, that *Samuel Ward, Esq;* late Collector of Impost and Excise, for the western district of the county of *Essex*, is unable to pay the balance due from him to this Commonwealth:

Resolved,

Resolved, That the Treasurer of this Commonwealth, (upon application made to him for the purpose) be, and he hereby is empowered and directed to credit the said *Ward*, on the balance of *one thousand seven hundred and fifty-two pounds, nineteen shillings and one penny farthing*, due from said *Ward* to this Commonwealth; in the manner following, *viz.*—By discounting the sum which may be due to said *Ward*, from this Commonwealth, for his part of the vessels lost at *Penobscot*, and by receiving of said *Ward*, three consolidated notes, amounting to *three hundred and twenty pounds, three shillings*, with the interest due thereon; and likewise a note given to said *Ward*, by *Moses Greenleaf*, late Deputy Collector of Impost and Excise for the county of *Essex*, amounting to *forty-seven pounds, thirteen shillings and five pence*; which sums, when so discounted and received by the said Treasurer, shall be passed to the credit of said *Ward's* account as aforesaid.

CXIV.

Resolve granting *three thousand pounds* to the committee on accounts. November 29, 1785.

Whereas, it appears to this Court that a sum of money is necessary to be appropriated for payment of such accounts as have been, or may be allowed by the committee for examining and passing accounts: Therefore

Resolved, That the sum of *three thousand pounds* be paid out of the treasury of this Commonwealth to the committee appointed for allowing and passing accounts, said committee to be accountable for the expenditure of the same.

CXV.

Resolve on the petition of *Jonathan Reed*, in behalf of the town of *Littleton*, discharging them from a fine. November 29, 1785.

On the petition of *Jonathan Reed*, in behalf of the town of *Littleton*, praying for the abatement of a fine set on said town, for the deficiency of one man, ordered to be raised for the Continental army:

Resolved, That the town of *Littleton*, be, and hereby is discharged the fine aforesaid, and that the Assessors of said town be, and they hereby are empowered to assess the said fine upon the deficient class in said town, and to deliver such assessment to a Collector of said town, with a warrant to enable him to collect the same; and directing payment thereof to be made into the treasury of said town, for the use of the inhabitants thereof.

CXVI.

Resolve on the petition of *Samuel Eddy*, directing the Treasurer to pay him the sum due to him. November 29, 1785.

On the petition of *Samuel Eddy*, representing that his wages, amounting to *thirty pounds sixteen shillings*, have been paid on a forged order, and praying the consideration of this Court:

Resolved,

Resolved, That the Treasurer be, and he is hereby directed to pay out of the public treasury, to the said *Samuel Eddy*, or order, the sum which may appear to be due to him, in the same manner as he would have done, if the wages had not been paid on a forged order as aforesaid.

CXVII.

Resolve on the petition of *Solomon Clarke* and others, committee of the plantation of *Canaan*, in *Lincoln* county, to notify the inhabitants of the town of *Winslow*, to shew cause, &c. *November 29, 1785.*

On the petition of *Solomon Clarke*, *Samuel Worton* and *Robert Hood*, committee of the plantation of *Canaan*, praying for relief with regard to taxes laid on them by the Assessors of the town of *Winslow* :

Resolved, That the petitioners be directed to notify the inhabitants of the town of *Winslow*, to appear on the second Wednesday in the second sitting of the next General Court, by serving the Assessors of said town with an attested copy of this petition, and this order thereon, sixty days at least before said second Wednesday, to shew cause, if any they have, why the prayer of said petition should not be granted, and that in the mean time, all demands on the inhabitants of said plantation, from the inhabitants of the town of *Winslow*, be stayed.

CXVIII.

Resolve on the petition of *George Babcock*, directing the Treasurer to receive of said *Babcock*, a sum of Continental money, in discharge of the sum mentioned. *November 29, 1785.*

On the petition of *George Babcock*, setting forth that he collected a sum of Continental money before the law took effect, prohibiting Collectors receiving the same ; but was prevented from paying the said money into the treasury of this Commonwealth, by reason that the certificate accompanying the same, was not in due form of law : Therefore :

Resolved, That the Treasurer be directed to receive of *George Babcock*, a Constable for the town of *Partridgefield*, fifteen hundred and ninety-four dollars, Continental money, in discharge of so much money committed him to collect ; any law or resolve to the contrary notwithstanding.

CXIX.

Resolve on the petition of *Stephen Smith*, confirming a certain deed mentioned. *November 29, 1785.*

On the petition of *Stephen Smith*, praying for the confirmation of a deed of land bearing date the tenth day *February*, A. D. one thousand seven hundred and seventy-four, made by *John Murray*, Esq; an absentee, granting to the aforesaid *Stephen Smith*, a tract of land, in a place formerly called *East-Hoosuck*, now *Adams*, estimated at one hundred and eighty-three acres, which deed is not acknowledged :

Resolved,

Resolved, That the prayer of the petition be granted, that the said deed be, and the same is hereby confirmed to him the said *Stephen Smith*, his heirs and assigns, to have and to hold the tract of land therein described, in the same manner, as they might or could have done if the said *John Murray*, Esq; had acknowledged said deed.

CXX.

Resolve on the petition of *Timothy Hudson* and *John Ferguson*, in behalf of the inhabitants of the plantation of *Hancock*, in *Lincoln* county, to notify the inhabitants of *Winslow*, to shew cause. November 29, 1785.

On the petition of *Timothy Hudson* and *John Ferguson*, in behalf of the inhabitants of the plantation of *Hancock*, praying for an abatement of taxes laid on said plantation by the assessors of the town of *Winslow* :

Resolved, That the petitioners be directed to notify the inhabitants of the town of *Winslow*, to appear on the second Wednesday in the second sitting of the next General Court, by serving the assessors of said town with an attested copy of this petition, and this order thereon, sixty days at least, before the said second Wednesday, to shew cause (if any they have) why the prayer of said petition should not be granted; and in the mean time, that all demands on the inhabitants of said plantation, from the inhabitants of the town of *Winslow*, be stayed.

CXXI.

Resolve on the pay-roll of the committee on valuation, for their services, November 29, 1785.

Resolved, That the several gentlemen on this roll be paid accordingly.

CXXII.

Message from his Excellency the Governour, by the Secretary. November 29, 1785.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I HAVE received by the post, several letters from Mr. *Thomson*, the Secretary of Congress, dated the 9th, 14th and 18th instant. With the first came two printed copies of the Journal of Congress for the past year: one of the Journals for the Legislature, and the other for the Executive branch of government. The letter of the 14th was accompanied with a resolution of Congress of the 2d, directing that the claims of all persons, for services in the military department, shall be exhibited to the Commissioner of army accounts, by the first of *August* next, or be forever thereafter precluded from adjustment or allowance.

With the other letter was enclosed a copy of a letter to the said Secretary, from the Minister of foreign affairs, mentioning, that the advices lately received from *Europe*, demand the attentive consideration of Congress; and urging, that in his letters to the States, he would impress them with the necessity of their being speedily, fully and constantly represented in Congress.

The two last mentioned letters of Mr. *Thomson*, may require your attention. Those, with the Journal of Congress, and the papers above referred to, will be laid before you by the Secretary.

JAMES BOWDOIN.

COUNCIL-CHAMBER, November 29, 1785.

CXXIII.

Resolve appointing *Peter Boyer*, one of the committee for methodizing accounts, and allowing him pay for assisting the said committee. November 30, 1785.

Whereas *Thomas Walley* has resigned as one of the committee for stating and methodizing the accounts of this Commonwealth, and it is necessary that said committee should consist of two persons :

Resolved, That *Peter Boyer* be, and he is hereby appointed one of the committee for stating and methodizing the public accounts, in the room of *Thomas Walley*, who has resigned.

Whereas it has been represented, that *Peter Boyer* has been constantly and usefully employed, in assisting the committee for stating and methodizing the public accounts, during the last recess, and to the present time :

Resolved, That the committee on accounts be, and they are hereby directed, to allow the said *Peter Boyer* the same pay as the members of the said committee are allowed, for the time he has been employed as aforesaid.

CXXIV.

Resolve adding *John Brooks*, Esq; to the committee appointed by a resolve of 28th October, 1783, on the subject of unappropriated lands in the county of Lincoln. November 30, 1785.

Resolved, That *John Brooks*, Esq; be, and he hereby is added to the committee appointed by a resolve of the General Court of the twenty-eighth of October, 1783, on the subject of unappropriated lands in the county of Lincoln, in the room of *Nathan Dane*, Esq; who is absent at Congress.

CXXV.

Resolve on the petition of *Butler Fogerty*, giving him leave to enter the actions mentioned anew, he serving *Joseph Prince* and *Caleb Prince* with a copy of this resolve. November 30, 1785.

On the petition of *Butler Fogerty*, praying for leave to re-enter in the Court of Common Pleas in the county of *Suffolk*, two actions against him, the one in favour of *Joseph Prince*, and the other of *Caleb Prince*.

Resolved, That the prayer of said petition be granted; and that the said *Butler* have leave to enter anew, two actions which were commenced against him at the Court of Common Pleas in *July* last, in the county of *Suffolk*, the one in favour of *Joseph Prince*, and the other in favour of *Caleb Prince*, which actions were defaulted, at the next Court of Common Pleas to be holden within and for said county of *Suffolk*; and that he may there have advantage

advantage of all such evidence and proceedings, as though no such default had been made; and that the executions which have issued against him the said *Fogerty*, on the said actions, be stayed; he the said *Fogerty* serving the said *Joseph Prince* and *Caleb Prince*, or their attorney, with an attested copy of this resolve, ten days at least before the next sitting of the said Court of Common Pleas in said county.

CXXVI.

Resolve granting a tract of land to *Edward Smith* and others, on *Penobscot-River*; directing the committee on unappropriated lands, to lay out, survey, and give a deed of said land. November 30, 1785.

Resolved, That a quantity of land, equal to six miles square, bounding southerly on *Frankfort*, and easterly on *Penobscot-River*, be granted and confirmed to *Edward Smith* and others, who have petitioned for the same, and are the settlers thereon, their heirs and assigns, on condition of their paying for the same, at the rate of six shillings per acre, in consolidated securities of this Commonwealth, within one year from this time, with interest till paid; provided such lands are not included within the tract of land confirmed to the proprietors holding under *Beauchamp* and *Leverett*: provided also, that there be previously deducted from the said quantity, fifty acres for each of the petitioners, who have actually settled thereon, which is to be considered as a compensation for settlement; and also two hundred acres for the use of the first settled minister; two hundred acres for the use of the ministry; two hundred and eighty acres for a grammar school; and two hundred acres near the center of the town, for the future disposition of Government; and the committee appointed by a resolve of Court, of the 28th of October, 1783, on the subject of unappropriated land in the county of *Lincoln*, be, and hereby are directed to cause the said township to be surveyed and laid out as soon as circumstances will permit, and make and execute a good deed thereof to the petitioners, on the conditions, and, with the reservations, herein before recited.

CXXVII.

Resolve on the petition of *William Rogers*, empowering *Caleb West* to sell and convey the lands mentioned: November 30, 1785.

On the petition of *William Rogers*, of *Greenwich*, praying that some meet person may be appointed, and empowered to sell and convey certain lands lying in *Brimfield*, belonging to him and his wife *Silence Rogers*:

Resolved, for reasons set forth in said petition, That the prayer thereof be granted, and that Mr. *Caleb West* be, and he is hereby empowered to sell and convey, by deed, the lands described in said petition, as in his judgment shall be most advantageous to the owners and heirs of said land; and the said *Caleb West* shall be accountable to the two children of the said *William Rogers*, and his said wife *Silence Rogers*, or to their proper heirs, for the proceeds of said lands, by paying to each of said children an equal share of said proceeds, at the time they shall respectively arrive to the age of twenty-one years;

years ; and the deed or deeds properly executed by said *Caleb West*, shall be good and valid to the purchaser or purchasers, to all intents and purposes.

CXXVIII.

Resolve on the petition of *John Brown*, directing the Treasurer to pay him the sum made up in the pay-roll, for services, in 1780. *November 30, 1785.*

On the petition of *John Brown*, praying that he may be paid his wages for three months service in the Continental army, in the year 1780, which have been drawn by a fraudulent order :

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed to pay to *John Brown* the sum he is made up for in the pay-roll of the regiment to which he belonged, when in service three months in the year 1780, his wages being paid on a fraudulent order notwithstanding.

CXXIX.

Resolve repealing a resolve passed the second of *November, 1785*, in favour of *Jonathan Jackson*, Esq. *November 30, 1785.*

Whereas by a resolve of this General Court, of the second day of *November* instant, the Treasurer of this Commonwealth was empowered and directed to give unto *Jonathan Jackson*, Esq; a note bearing date the fifth of *July, 1779*, in the form of the notes called consolidated notes, for such sum as was on that day due to him, on account of the ships *Monmouth* and *Vengeance*, lost in the expedition against *Penobscot* ; and it appearing upon mature consideration to be very unequal, as applied to other creditors of government, that the said *Jonathan Jackson*, Esq; should have his note dated as aforesaid :

Resolved, That the above-mentioned resolution of the second of *November* instant, so far as it empowers and directs the Treasurer of this Commonwealth to give unto the said *Jonathan Jackson*, Esq; a note bearing date the fifth of *July, 1779*, on account of what was due to him on that day for the said vessels lost as aforesaid, be, and is hereby repealed, and made null and void to all intents and purposes, and the Treasurer is directed to govern himself accordingly.

CXXX.

Resolve continuing the establishment for the *Castle* to the fourth Wednesday of the next sitting of the General Court. *December 1, 1785.*

Resolved, That the present establishment of the *Castle*, in the harbour of *Boston*, be, and it hereby is continued until the fourth Wednesday of the next sitting of the General Court.

CXXXI.

Resolve on the petition of *Robert Page*, in behalf of the town of *Wintbrop*, directing the Treasurer to credit said town for their deficiency of three years, three and five months men. December 1, 1785.

On the petition of *Robert Page*, in behalf of the town of *Wintbrop*, praying, for reasons set forth in said petition, a remittance of a fine laid upon said town, of *two hundred sixteen pounds two shillings and three pence*, for deficiency in raising three years, three and five months men :

Resolved, That the fine of *two hundred sixteen pounds two shillings and three pence*, laid upon the town of *Wintbrop*, for deficiency in raising three years, three and five months men, be remitted ; and that the Treasurer be, and he hereby is directed to credit the said town the said fine.

CXXXII.

Resolve on the petition of *Thomas Beals*, directing him to serve *John Hunter* with a copy of his petition and the order, to shew cause, &c. and staying execution. December 1, 1785.

Upon the petition of *Thomas Beals*, representing that he had lost his law in an action brought against him by *John Hunter*, owing to the neglect of his attorney, in not entering his appeal, in consequence of which, an execution was issued against him :

Resolved, That the prayer of the petitioner be so far granted, that he be directed to serve the said *Hunter* with a copy of his petition, and this order thereon, ten days before the next sitting of the General Court, to appear upon the second Wednesday of the same, to shew cause (if any he has) why the prayer of the said petitioner should not be granted : and that the execution be stayed in the mean time.

CXXXIII.

Resolve granting *seventy-four pounds* to *Mary Ball* and *William Minns*, executors to the last will of *Robert Ball*, deceased, for his salary to the 19th of *November*, 1774. December 1, 1785.

On the petition of *Mary Ball* and *William Minns*, executors to the last will of *Robert Ball*, deceased, late light-house keeper in *Boston* harbour, praying for an allowance of *sixty pounds*, for one year's salary, from *November* 1783, to *November* 1784, being the allowance formerly granted him by the General Court, for several years preceding : also the sum of *fourteen pounds*, for wood expended in that year, making in the whole *seventy-four pounds* :

Resolved, That there be paid out of the public treasury, to the said *Mary Ball* and *William Minns*, executors to the will of *Robert Ball*, deceased, the sum of *seventy-four pounds*, in full for his salary to the 19th of *November*, 1774, and for wood expended at the light-house that year.

CXXXIV.

Resolve for suspending the operation of a clause in the excise-act, to the third Tuesday of the next sitting of the General Court. *December 1, 1785.*

Whereas a resolve passed the General Court the fourth of *July* last, suspending, till the second Tuesday of the present sitting of the General Court, the operation of a clause in an act, intitled, "An act in addition to, and for the explanation of an act, intitled, an act for laying duties of impost and excise on certain goods, wares and merchandize therein described, and for repealing the several laws heretofore made for that purpose:" And whereas it is expedient that the operation of the aforesaid clause, mentioned in the said resolve, should be still further suspended:

Resolved, That the operation of the clause in the before recited act, which was suspended by the resolve before mentioned, till the second Tuesday of the present sitting of the General Court, be, and it hereby is further suspended in its operation, till the third Tuesday of the next sitting of the General Court.

CXXXV.

Resolve requesting the Governour to write to the several governments, and inform them of the measures the General Court have taken, respecting the navigation act. *December 1, 1785.*

Whereas the General Court have, at their present session, repealed certain clauses in an act passed the present year, intitled, "An act for the regulation of navigation and commerce," which act has been communicated to the other States in the confederacy:

Resolved, That his Excellency the Governour be requested to inform the several governments in the union of the measures the General Court have taken respecting said act.

CXXXVI.

Resolve making an establishment for the Clerks in the several offices,—to continue to the last Wednesday in *May* next. *December 1, 1785.*

Resolved, That the following sums be allowed to the several persons hereafter mentioned, for each day they shall be employed in the business of their respective offices, *viz.*

To each of the Committee for stating and methodizing the public accounts, *twelve shillings* per day; to the Clerk of the said Committee, *six shillings* per day: to the Deputy-Secretary, *eight shillings* per day; to the Treasurer's Book-Keeper, *twelve shillings* per day; to the Clerks in the Secretary's office, *seven shillings* per day; to the Clerks in the Treasurer's office, *six shillings* per day; and to the consolidating Clerk in said office, *ten shillings* per day; and that this establishment continue until the last Wednesday in *May* next.

CXXXVII.

Resolve on the petition of a number of settlers in the plantation called *Bakerstown*, appointing *Isaac Parsons*, Esq; and others, a committee to repair to the premises, and make report at the next session of the General Court. December 1, 1785.

On the petition of a number of settlers in the plantation called *Bakerstown*:

Resolved, That *Isaac Parsons*, Esq; Mr. *Caleb Emery*, and Mr. *Joshua Pray*, be a committee to repair to the premises, and view the same; and to make report on the prayer of the said petition, at the next session of the General Court; the petitioners furnishing said committee with a copy of the petition aforesaid, and rewarding the said committee for their services.

CXXXVIII.

Resolve on the petition of *Joseph Baker*, directing the Treasurer not to commence any process against him, till the next session of the General Court. December 1, 1785.

On the petition of *Joseph Baker*, praying that he may be permitted to pay into the treasury of this Commonwealth, a sum of money due from him, in government securities:

Resolved, That the Treasurer is hereby directed, not to commence any process against the said *Joseph Baker*, until the next session of the General Court, any law or resolve to the contrary notwithstanding.

CXXXIX.

Resolve staying the execution against the plantations in the county of *Cumberland*. December 1, 1785.

Whereas a committee is appointed by this Court, to view several of the plantations in the county of *Cumberland*, in order to consider their state and ability to pay public taxes; and whereas a new valuation of the property of the Commonwealth is expected soon to be completed:

Resolved, That the executions in hands of the Sheriff of the county of *Cumberland*, against the town of *Standish*, lately called *Pearsonstown*, and the plantations in said county, be stayed till the fourth Tuesday of the next sitting of the General Court; and the Sheriff of the said county of *Cumberland* is hereby directed to govern himself accordingly.

CXL.

Resolve on the petition of *Ebenezer Gove*, in behalf of *Sally Cushing*, directing the Commissary of pensioners to pay her the amount of the pension due to her husband, his name being entered *Joseph Gowgen*. December 1, 1785.

On the petition of *Ebenezer Gove*, in behalf of *Sally Cushing*, representing, that her husband, *Joseph Gowgen*, alias *Joseph Cushing*, a Frenchman,
was

was wounded in the service of *America*, and placed on the list of pensioners, by the name of *Joseph Gowgen*, although they were married by the name of *Cushing*; in consequence of which, she is deprived of the said pension :

Resolved, That *John Lucas*, Commissary of pensioners, be, and he is hereby directed, to pay to the said *Sally Cushing*, the amount of the pension due to her said husband, his name being entered *Joseph Gowgen* notwithstanding.

CXLI.

Resolve on the petition of the selectmen of the town of *Georgetown*, abating a tax on said town, for their deficiency of three years, three and five months men. *December 1, 1785.*

On the petition of the selectmen of the town of *Georgetown*, praying said town may be abated the average price of the men ordered to be raised to reinforce the Continental army; by a resolve of *December, 1780* :

Resolved, That the town of *Georgetown* be, and they are hereby abated the sum of *seven hundred forty-one pounds, eleven shillings and three pence*, being the sum charged said town in the tax-act, passed in 1783, for their deficiency of three years, three and five months men; and the Treasurer is hereby directed to credit said town accordingly.

CXLII.

Resolve on the petition of the inhabitants of the town of *Woolwich*, directing the Treasurer to credit said town for their tax for three years, three and five months men. *December 1, 1785.*

On the petition of the inhabitants of the town of *Woolwich*, in the county of *Lincoln*, praying that the sum of *four hundred seventy-eight pounds, sixteen shillings and nine pence*, may be remitted; it being the sum that the said town was taxed, for their proportion of three years, and three and five months men :

Resolved, That the prayer of the petition be granted, and the Treasurer is hereby directed to credit the said town the above sum of *four hundred seventy-eight pounds, sixteen shillings and nine pence*, any law or resolve to the contrary notwithstanding.

CXLIII.

Resolve on the petition of a number of the inhabitants of the towns of *Medfield, Wrentham, Roxbury, Dedham, Newtown* and *Medway*, appointing a committee of both Houses, to make enquiry respecting the passage of fish up *Charles-River*, and to report. *December 1, 1785.*

On the petition of a number of the inhabitants of the towns of *Medfield, Wrentham, Roxbury, Dedham, Newtown*, and *Medway*, praying that an enquiry

enquiry may be made, respecting the passage of the fish up *Charles-River*, for reasons set forth in the said petition :

Resolved, That the prayer thereof be so far granted, that *Elisha May*, Esq; *Mr. William Brown*, and *Benjamin Brown*, Esq; be a committee to repair to the places where the obstructions are,—carefully view the same,—hear all the parties (previously notifying all concerned) and report at the next sitting of the General Court, what measures may be necessary to be taken thereon : *Provided however*, that the petitioners agree to defray the charge of the committee aforesaid.

CXLIV.

Resolve on the petition of *David Silvester*, of *Pownalborough*, empowering the Treasurer to credit said town for a fine for not sending a representative, and a tax for three years and three and five months men. *December 1, 1785.*

On the petition of *Mr. David Silvester*, of *Pownalborough*, praying that the proportion of tax in tax-act No. 3, for the year 1783, for three years, three and five months men, and for not sending a representative, as charged in said tax-act, may be remitted unto them :

Resolved, for reasons set forth in said petition, That the prayer of the petition be granted, and that the proportion of tax for three years, three and five months men, and the fine for not sending a representative to the General Court, be remitted to the town of *Pownalborough*; and the Treasurer of this Commonwealth be, and hereby is empowered and directed, to credit the said town, on the tax of 1783, the sum of *seven hundred and forty-one pounds, eleven shillings and three pence*, being their proportion of the tax for three years, three and five months men; and *twenty-one pounds, seventeen shillings and six pence*, for not sending a representative to the General Court in the year 1783, any law or resolve to the contrary notwithstanding.

CXLV.

Resolve on the petition of *Elijah Bacon*, of *Providence*, to cite *Oliver Ware* to shew cause, &c. and staying execution. *December 1, 1785.*

On the petition of *Elijah Bacon*, of *Providence*, in the State of *Rhode-Island* :

Resolved, That the said *Elijah Bacon* cite the same *Oliver Ware* mentioned in said petition, to appear on the second Wednesday of the next sitting of the General Court, to shew cause, if any he hath, why the prayer of said petition should not be granted, by lodging, with the said *Oliver Ware*, an attested copy of the petition aforesaid, and this order thereon, at least thirty days previous to the same second Wednesday; and that all proceedings by virtue of any execution, issued on the judgment mentioned in said petition, be in the mean time stayed.

CXLVI.

Resolve appointing *John Carnes*, Esq; a committee, to get printed two hundred copies of *Plymouth Company* claim. December 1, 1785.

Resolved, That two hundred copies of the statement of the claim of the *Plymouth Company*, (so called) be printed for the use of the members of the General Court, as stated by the Committee appointed for the sale of the eastern lands, together with the report of the joint committee thereon, by *Adams* and *Nourse*; and that Mr. *John Carnes* be, and he is hereby appointed to carry this resolution into execution previous to the next meeting of the General Court.

CXLVII.

Resolve on the petition of a number of inhabitants of the plantation of *Sylvester*, in the county of *Cumberland*, appointing *Isaac Parsons*, Esq; and others, a committee to repair to said plantation and view their circumstances, and report, and staying all proceedings respecting taxes. December 1, 1785.

On the petition of a number of the inhabitants of the plantation of *Sylvester*, in the county of *Cumberland*, praying they may be abated the taxes laid on them, and likewise that they may be incorporated into a town, for reasons set forth in their petition:

Resolved, That *Isaac Parsons*, Esq; Mr. *Caleb Emery* and Mr. *Joshua Pray*, be a committee, in the recess of this Court, to repair to said plantation, at the cost of said plantation, view their circumstances and report to this Court at their next session, and that all proceedings respecting the taxes be stayed in the mean time.

CXLVIII.

Resolve on the accounts of the Treasurer of the county of *York*, allowing the same, and granting a tax to be assessed on the inhabitants to defray the charge of said county. December 1, 1785.

Whereas it appears, upon examination of the Treasurer's accounts for the county of *York*, that his accounts are right cast and well vouched; that all the monies granted and allowed by the Court of General Sessions of the Peace for the said county, from *October 12*, 1784, to *July* term of the same Court, 1785, were for such purposes and appropriations as by law the said Court were empowered to grant: Therefore

Resolved, That the said accounts be accepted and allowed.

And whereas it appears, from an estimate of the Justices of the Court of General Sessions of the Peace of the said county of *York*, made on the second Tuesday of *October*, 1785, that the sum of *three hundred and twenty-three pounds* will be necessary for defraying the charges of the said county for one year then next ensuing: Therefore

Resolved, That there be, and hereby is granted, a tax of *three hundred and twenty-three pounds*, to be apportioned and assessed on the inhabitants of the said

aid county, and estates lying within the same, and collected paid and applied for the use of the said county, according to the laws of the Commonwealth.

CXLIX.

Resolve on the representation of the committee on eastern lands, granting the Hon. *Samuel Phillips*, Esq; and others, *six hundred pounds*, and directing them to lay out the township to *Aaron Chamberlin*, and others, as mentioned. *December 1, 1785.*

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the Hon. *Samuel Phillips*, jun. Esq; and others, the committee for the sale of eastern lands, the sum of *six hundred pounds*, they to be accountable for the expenditure thereof, and to lay their accounts before the General Court, on the second Wednesday of their next sitting, at which time the General Court will take into consideration a suitable allowance for the services of said committee.

Also *Resolved*, That said committee be directed to lay out the township granted to *Aaron Chamberlin* and others, in the same manner they are directed to lay out other townships, *viz.* not to make any allowance for ponds and bogs.

CL.

Resolve requesting the Governour, with advice of Council, to take order for the completion of the bonds required of *Nathaniel Appleton*, Esq; Continental Loan-Officer, and for qualifying him. *December 1, 1785.*

Resolved, That the Governour be, and he hereby is requested, with the advice of Council, to take such order for the completion of the bonds required of *Nathaniel Appleton*, Esq; Commissioner of the Continental Loan-Office within this Commonwealth, and for qualifying him to act in the said office, as he shall judge necessary.

CLI.

Order, appointing a committee to wait on his Excellency the Governour, with an answer to his Excellency's speech, &c.

In SENATE, *December 1, 1785.*

ORDERED, That *Charles Turner* and *Ebenezer Bridge*, Esquires, with such as the honourable House shall join, be a committee to wait on his Excellency the Governour, with the following answer to his Excellency's speech; and that the said committee be instructed, to request his Excellency to adjourn the General Court, to the first Wednesday in *February* next.

Sent down for concurrence.

SAMUEL PHILLIPS, jun. President.

In the HOUSE of REPRESENTATIVES, *December 1, 1785.*

Read and concurred, and Mr. *Breck*, Mr. *Warner*, and Mr. *Goodman*, are joined.

NATHANIEL GORHAM, Speaker.

To

To his Excellency JAMES BOWDOIN, Esquire, Governour
of the Commonwealth of Massachusetts:

MAY IT PLEASE YOUR EXCELLENCY,

THE two Branches of the Legislature, met your Excellency at the time of the late adjournment, with a full confidence, that during the recess, (the first since your Excellency's administration of the Executive department of Government) a just attention had been paid to those important matters, which the Legislature had entrusted to your care, as well as those, which naturally fell within the line of your duty:—Their expectation has by no means been disappointed.

Your Excellency's Speech communicated to the Legislature the measures that you had taken, to carry into effect, the Acts and Resolutions of the General Court in their preceding session; and also, such other matters as by the Resolutions of Congress, called for their attention: and, after having given a concise view of the state of our Finances, suggested such measures, as appeared to you likely, to put them on a more respectable footing. These communications were made in a plan, and intelligent manner, as became a Republican Governour; and your Excellency will not expect a reply, in any terms, but such as become a free, independent and Republican Legislature; whose duty it is, to watch over the conduct of the highest Servants of the Commonwealth,—to testify their approbation of their conduct, when it merits it, as well as their disapprobation, when otherwise.

The embarrassed situation of the Commerce of *America*, and of this Commonwealth in particular, made it necessary, that some decisive measures should be taken relative to this subject: these measures will not have the full effect desired, unless our Sister States join with us in the pursuit of so desirable an object. To impress them on that head, your Excellency's letters appeared to be well adapted; and state, with strict propriety, the importance of a coincidence of measures, to be produced by a sense of common difficulty, and mutual affection.

The attention which your Excellency has paid to the Finances of the Commonwealth, we cannot omit to recognize. It is by a knowledge of this business, and an investigation of the publick resources, to supply the necessary means of supporting the credit of the Government, that the greatest good may be derived to the community. This knowledge, and this investigation, can be obtained and pursued, with so great advantage, by a person in your Excellency's situation, that we flatter ourselves, your Excellency will persevere in the pursuit.

The Requisitions of Congress, and the state of the particular debt of this Commonwealth, have been under the consideration of the General Court; but as the business of Valuation has been in hand at this sitting, and not yet fully completed; and as this was necessary to be settled, before new and important taxes could be assessed on the people, no decisive measures have yet been taken on those Requisitions: After a short recess, they will be seriously taken up, and we doubt not, this State will still manifest their readiness to adopt every measure, which is calculated to promote the general Union, and the credit of the United States.

Your

Your Excellency will find, that such further measures, as were deemed necessary, have been taken for numbering the inhabitants of the Commonwealth.

The state of the Militia has been attended to by the Legislature, and an act has been passed to render it respectable.

The Legislature strongly feel the danger and impropriety of individuals, or bodies of men, attempting to dismember the State.—The social compact, solemnly entered into by the people of this Commonwealth, ought, we conceive, to be attended to, and guarded with the utmost care; and it shall ever be the aim of this Legislature, to prevent any infractions upon it, and preserve it entire; and should further legislative Acts become necessary, for those purposes, the Legislature will in a future session, make them the subject of their deliberation.

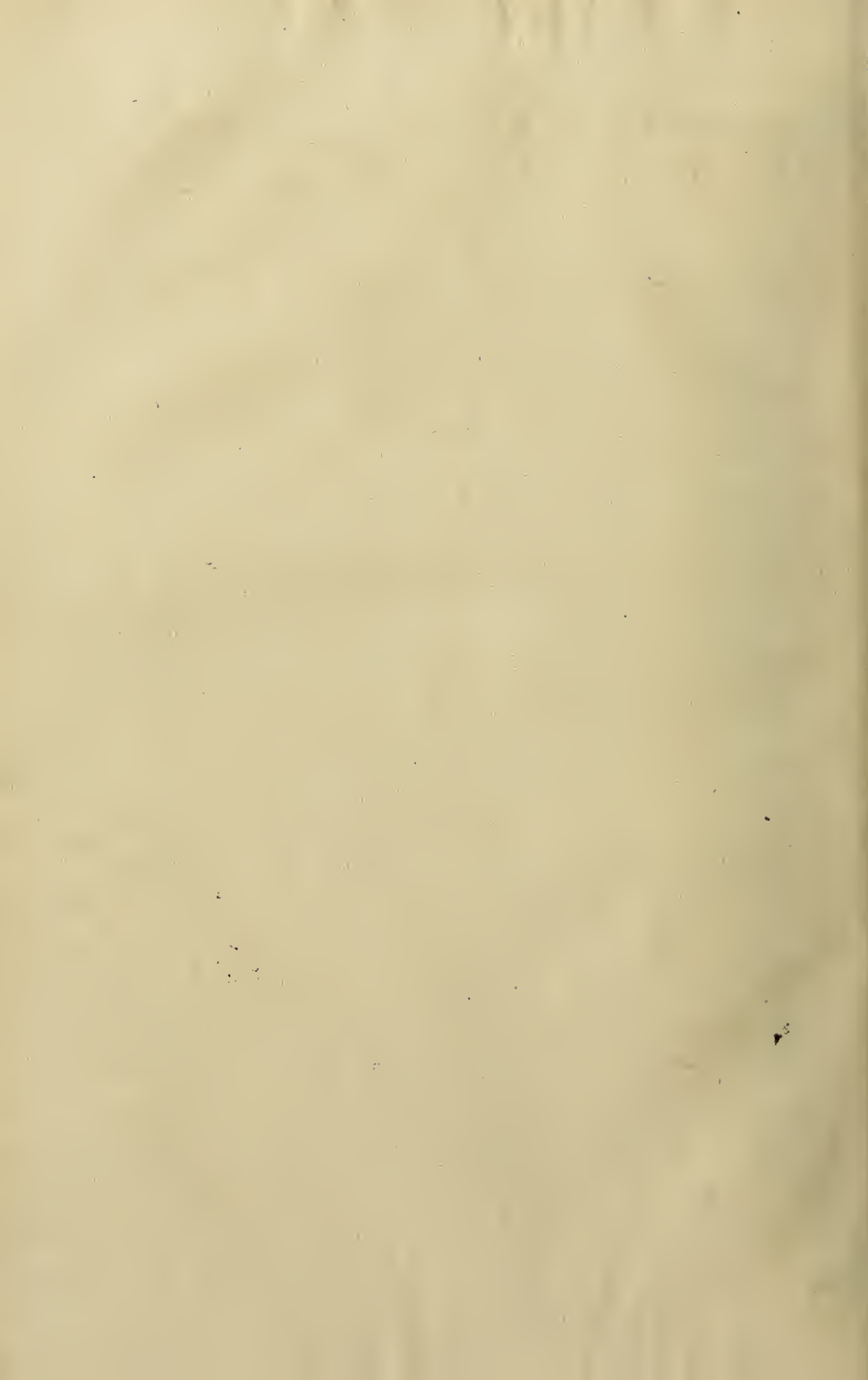
The union of the several Branches of the Legislature, with the Supreme Executive, in all measures; that concern the public welfare, is at all times, a most desirable object; the exercise of the utmost constitutional Freedom, in deliberating on those measures, is the most probable means to produce that union, while the views of those concerned in the public departments, are pointed to the good of the whole. The happy union which has subsisted between your Excellency and the Legislature, gives us great satisfaction, as being founded on this basis; and as we doubt not your Excellency will continue in these views, we hesitate not to assure you of every constitutional support of the Legislature.

B O S T O N :

PRINTED BY ADAMS and NOURSE,

PRINTERS TO THE HONOURABLE GENERAL COURT.

M,DCC,LXXXV.



R E S O L V E S
 OF THE
G E N E R A L C O U R T
 OF THE
C O M M O N W E A L T H
 O F
M A S S A C H U S E T T S :

Together with the MESSAGES of his Excellency the Governour to the said Court :

Begun and held at *Boston*, in the County of *Suffolk*, on Wednesday the 25th Day of *May*, Anno Domini, 1785; and from thence continued, by Adjournments, to Wednesday the first Day of *February*, 1786.

I.

Resolve on the petition of *Lucy Loomer*, directing the Treasurer to pay the wages due to her late husband. *February 3, 1786.*

ON the petition of *Lucy Loomer*, of *Partridgefield*, praying that the Treasurer may be directed to pay the said *Lucy Loomer* the whole of the bounty or wages that may be found due to *Joseph Loomer*, late of *Partridgefield*, deceased, husband to the said *Lucy Loomer*, the said *Joseph* having been a soldier in the three years service, in Colonel *Shepard's* regiment, the same having been drawn by a forged order notwithstanding :

Resolved, That the prayer of the petition be granted, and that the Treasurer be directed to pay to the said *Lucy Loomer* the whole of the bounty or wages that appears to be due to the said *Joseph Loomer*, husband to the aforesaid *Lucy Loomer*, late of *Partridgefield*, deceased.

II.

MESSAGE from the Governour, by the Secretary. *February 3, 1786.*
Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

IT is a misfortune that the valuation could not be completed before, or at the last meeting of the General Court, as you thought the completion of it necessary to precede a compliance with the requisitions of Congress

On the subject of those requisitions, I have received from the Board of Treasury another letter, dated the 16th of *December* last, in which the commissioners say, that the funds in the treasury are scarcely sufficient to defray the daily incidental charges; that they are called upon to make provision for the payment of the foreign interest, which becomes due in the month of *February*, and in *June* and *November* next; that the effecting of this, must depend on the immediate and vigorous exertions of the several States, to pay up the specie proportions required by the requisitions of the last and present year; and that without such payment, our credit with *Holland* in particular (which we are bound, from motives of interest as well as honour, to cherish with the nicest circumspection) will be inevitably destroyed. To the same purpose, gentlemen, are the letters which at your last meeting were communicated to you by messengers of the 24th of *October* and 3d of *November*, and to which you will please to be referred. As I cannot doubt your readiness to comply with the requisitions of Congress, and also to provide for the regular discharge of our own particular debt, there can be no occasion to add any thing to induce you to make ample provision for those purposes: especially as in the address with which you lately honoured me, you were pleased to signify, that after the receipt those matters would be seriously taken up, and every measure adopted, which is calculated to promote the general union and the credit of the United States.

With regard to the requisition of the 27th of *September* last, there are several things to be attended to respecting loan-office certificates for interest, in which certificates a part of the requisition may be paid, but which, by the Congress ordinance, cannot be granted by the loan-officer, until the legislature of the State has adopted the requisition, and made provision for the payment of it; and when granted, they cannot be received for the requisition-tax after the first of *January* next; after which time, whatever part of such tax remains unpaid, must be wholly paid in specie. On this subject, the loan-officer for this State lately wrote me a letter; which, as it contains several observations founded on those circumstances, and worthy of notice, will be delivered to you by the Secretary.

Your further attention to the militia is necessary, gentlemen, for completing the list of Major-Generals. Of the nine required by the last militia act, you have elected seven; to whom the Secretary has sent letters, notifying them of the election. Answers have been received from only three of those gentlemen, viz.—General *Lincoln*, Colonel *Brooks*, and *Ichabod Goodwin*, Esq. The two former will probably, in a few days, declare their mind: and the latter, relying on the candour of his country, accepts the appointment.

By

By the answer of General *Lincoln*, who was (as they each were) requested by the Secretary's letter to give his opinion relative to the best plan for regulating the militia in his division, he thinks there should be a meeting of the Major-Generals, for the forming such a plan, and that the regulations of it should be uniform; and as far as might be, take place through all the divisions: being first approved and ordered by the Governour.

This appears a judicious measure, and for executing of it, and that the militia throughout the Commonwealth may speedily be put on a respectable footing, you will please to compleat the number of Major-Generals, required by the militia act. For which purpose, and that no time may be lost, I would recommend, that effectual care be taken, that you should obtain the speediest information from the gentlemen elected, whether they accept the choice or not, that the place of such as decline an acceptance may, as soon as possible, be supplied.

Permit me, gentlemen, to remind you of several matters, that have already been recommended to your consideration, the heads of which I shall only mention: referring you to the messages relative to them for fuller information. Those are, a revision of the impost and excise, and separating them so that each may be in a distinct act: recommended in a message of the 22d of *October* last.

The representation of our late agents to support our claim against *New-York*, to lands lying west of *Hudson's-River*, laid before you for your instructions to them, by message of the 28th of *October*.

The copying several old plans and papers, which are in a very worn and decayed condition, and of great importance to ascertain some of the boundary lines of this State: also the ascertaining of *Woodward's* and *Saffery's* station, on which those lines depend: recommended in the same message.

The renewing the powers of our delegates in Congress, (which ceased the 6th of *November* last) relating to the interfering claims of this State and *New-York*: recommended by a message of the 18th of *November*.

To oblige the regimental agents of the *Massachusetts* line of the late *American* army to deposit (as they have been directed) the certificates which the Paymaster-General lodged with them, of the pay of our officers and soldiers: recommended by message of the 19th of *November*.

Besides the foregoing, there are other matters, gentlemen, that require your consideration; and which I shall lay before you by message.

With the above-mentioned letter from the Commissioners of the treasury was enclosed a general account of the receipts and expenditures of the United States, from the 1st of *November*, 1784, to the 1st of *November*, 1785: which account, with the letter, is sent for your information.

I have just received a letter from *David Cobb*, Esq; the elected Major-General for the fifth division of the militia. He declares his acceptance of the appointment, and that government may depend on his best exertions in their service.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *February* 3, 1786.

III.

MESSAGE from his Excellency the Governour, by the Secretary.
February 3, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

DURING the recess of the General Court, there have happened two vacancies in the revenue department; one by death, and the other by resignation.

The first is in the naval-office at *Marblehead*, occasioned by the death of *John Gerry*, Esq; late Naval-Officer for that port.

The other is in the excise-office, occasioned by the resignation of Mr. *Thomas Ives*, Collector of Excise for the county of *Berkshire*.

His letter to me of the 13th of *December*, in which he only begs leave to resign, contains the reasons of his so doing. But by his letter to the Treasurer of the same date, he very explicitly resigns his office, and gives up the duties of it from that day.

The Council being under an adjournment, another person could not then be appointed in his stead: the Treasurer was therefore directed to acquaint him, that he must continue in the exercise of his office, until the General Court, at their then next meeting, should appoint a person to succeed him; but to the Treasurer's letter no reply has been received.

As resignations so abrupt may operate to the detriment of the public revenue, and be of evil example, you will probably think proper to provide some remedy for preventing them in future.

The letters relative to this business will be laid before you; concerning which, as well as the vacancy in the naval-office, you will take such measures, gentlemen, as shall appear to you most suitable.

JAMES BOWDOIN.

COUNCIL-CHAMBER, February 3, 1786.

IV.

Resolve appointing *Abner Holden*, Esq; a committee to employ a surveyor to ascertain the bounds of certain lands lying between *Westminster* and *Fitchburgh*, belonging to this Commonwealth. February 6, 1786.

Whereas it has been represented to this Court, that there is a tract of land, the property of the Commonwealth, lying between *Westminster* and *Fitchburgh*, in the county of *Worcester*, which if disposed of, might be of some advantage to the Commonwealth: Therefore

Resolved, That *Abner Holden*, Esq; be, and hereby is appointed a committee, and impowered to employ a surveyor to ascertain the bounds and return a plan of said land into the Secretary's office as soon as may be, and to make report of his doings at the next sitting of this Court.

V.

MESSAGE from his Excellency the Governour, by the Secretary.
February 7, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

THE design of this message is to lay before you, for your consideration, a short correspondence by letters, which in *August* last took place between Captain *Stanbope*, of the *British* frigate *Mercury*, and me: also my letter to our delegates on the subject of it, and the consequent resolution of Congress.

As those letters fully shew the occasion on which they were written, it is needless to repeat it here.

Though the insult contained in the said *Stanbope's* letters more immediately refers to the government of this State, it was apprehended that it affected the honour of the United States: especially as it had been given by an officer who had lately been their public commissioned enemy, and was then the Commander of a ship of war belonging to a power with which the United States had a little time before settled a treaty of peace. The letters were therefore sent to our delegates, and by them laid before Congress for their consideration: Congress viewing the matter in the same light, passed the resolution above referred to, and have transmitted to their Minister in *London* a copy of that resolution and of those letters, together with instructions to him on the subject: so that this business is in a proper train for obtaining national satisfaction.

You will observe, gentlemen, by the report on which the resolution is founded, it is declared that Captain *Stanbope's* letters were highly disrespectful, and being so, that such measures might have been adopted as the laws prescribe for asserting the dignity of government in such cases. That government, when in the right, should never be opposed or ill treated with impunity: for which end, its own internal power (in such case as the present) is or ought to be adequate.

In this paragraph is an intimation that some legal process should have been instituted for asserting the dignity of government. But this could not be done, as Captain *Stanbope* very prudently put himself out of the way of it, by proceeding with his ship down to *Nantasket* as soon as he had sent his first insolent letter. Had he however continued in *Boston*, there would have been a difficulty in regard to the mode of process: for the removal of which, and for settling a due process in any like case that may happen in future, the Judges of the Supreme Court, the Attorney-General, and other distinguished gentlemen of the law, were consulted: who, after a full discussion of the subject, all agreed that some special provision was necessary to be made for that purpose by the Legislature.

I have only to observe, gentlemen, that unless such provision be made, it may be expected, whenever an opportunity for it shall offer, that the same man, or others of a like disposition, will be encouraged to insult the government of the Commonwealth, the honour of which is so intimately connected with your own, that in cases like the present they are inseparable.

What will be an adequate provision for the purpose, your wisdom, gentlemen, will determine.

J. A. M. E. S. B. O. W. D. O. I. N.

COUNCIL-CHAMBER, February, 7, 1786.

VI.

Resolve on the petition of *Elias Hasket Derby*, directing the impost officer for *Suffolk* county, and the naval-officer for *Boston*, to admit Captain *Ichabod Nichols* to a post entry. February 8, 1786.

On the petition of *Elias Hasket Derby*, praying, for reasons set forth in his petition, that Captain *Ichabod Nichols*, master of his brigantine *Nancy*, may be admitted to a post entry of the adventures on board said brigantine:

Resolved, That the Collector of impost and excise for the county of *Suffolk*, and the naval-officer for the port of *Boston*, be, and they are hereby empowered and directed to admit Captain *Ichabod Nichols* to a post entry of the adventures on board the brigantine *Nancy*, whereof he is master; any law to the contrary notwithstanding.

VII.

Resolve empowering the Governour to appoint inspectors of pot and pearl-ash in such towns as may be necessary. February 8, 1786.

On the petition of *James Prescott*, Esq; and others, praying that an inspector of pot and pearl-ashes may be appointed to reside in the town of *Groton*:

Resolved, That the prayer of the petition be granted, and his Excellency the Governour, with the advice of Council, is hereby authorized and requested to appoint some suitable person, resident in the town of *Groton*, to be an inspector of pot and pearl-ashes, agreeable to the laws of this Commonwealth. And as it is represented to this Court, that it is necessary that inspectors of pot and pearl-ash should be appointed in other parts of this Commonwealth than is by law provided:

It is further Resolved, That the Governour, with the advice of Council, be, and he is hereby authorized to appoint inspectors of pot and pearl-ash in such other towns in this Commonwealth as he shall judge necessary.

VIII.

MESSAGE from his Excellency the Governour, by the Secretary.
February 8, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

Mr. *John Noyes*, who has lately returned hither from *Europe*, was with me a few days ago, and acquainted me, that while there, he employed the greatest part of his time in endeavouring to inform himself in several branches of manufacture in iron; that he had gained a thorough knowledge of those branches; and that if he and his partner, Colonel *Revere*, could obtain sufficient encouragement from the legislature, they would erect works for carrying them on to some considerable extent.

That he also had a perfect knowledge of the machines used in *Europe* in manufacturing iron and steel; and was well informed in the construction and use of the new invented steam-engine, very necessary in those operations; and which may be advantageously employed in many others.

In consequence of this conversation, I yesterday received a letter from them to the same purpose: which, with a letter to me from the Hon. Mr. *Adams*, our minister in *London*, recommending Mr. *Noyes*, and his project of introducing some new manufactures, will be communicated to you.

Circumstanced as we are at present, it is highly necessary we should encourage every useful and practicable manufacture; especially that of iron; which, in point of usefulness and practicability, may vie with any.

As this manufacture, connected with the proposed improvements upon it, may be extensively beneficial to the Commonwealth, I do with great earnestness recommend the proposal for its establishment, to your favourable consideration.

JAMES BOWDOIN.

COUNCIL-CHAMBER, February, 8, 1786.

IX.

Resolve on the petition of *Ralph Man*, granting him *eight pounds thirteen shillings and three pence*, for a compensation in committing to goal one *Moses Pond*. February 9, 1786.

On the petition of *Ralph Man*, praying for a compensation for apprehending and committing to goal one *Moses Pond*, who was charged with passing counterfeit continental sixty dollar bills in the year 1780:

Resolved, That there be allowed and paid out of the public treasury, to the said *Ralph Man*, the sum of *eight pounds thirteen shillings and three pence*, in full for the said service.

X.

Resolve granting *ninety-six pounds thirteen shillings and four-pence* to *Samuel Woodson*, for wages, &c. while a prisoner. February 9, 1786.

On the petition of *Samuel Woodson*, praying for payment of wages for his service in the Continental army and during his captivity, and also an allowance for cloathing:

Resolved, That the said petition be so far granted, as that there be allowed and paid out of the public treasury of this Commonwealth, to the said *Samuel*, the sum of *ninety-six pounds thirteen shillings and four pence* in government securities, in the same manner as the officers and foldiers of the *Massachusetts* line of the army were paid their wages for the year 1780, and that the said sum be charged to the United States of *America*.

XI.

MESSAGE from his Excellency the Governour, by the Secretary.
February 10, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*;

I SENT you a message the 24th of *November* last, relative to the encroachments, which the government of the new *British* province of *New-Brunswick* were disposed to make on the territorial rights, and sovereignty of
this

this Commonwealth and of the United States. Since which a letter has been received from *James Avery*, Esq; our excise officer at *Machias*, dated the 24th of *December* last: in which he mentions he had just received advice from *Passamaquoddy*, that *Mr. Wire*, the high-sheriff for *Charlotte* county, in that province, a few days before went on to *Moose-Island*, and took the body of *Mr. Tuttle*, deputy collector of excise, on an action of debt; and told him he must either find bail, or be carried to goal at *St. Andrews*. Upon *Mr. Tuttle's* informing the sheriff, that he considered himself a subject of this State, and should not regard him as an officer, the sheriff called on some of the inhabitants to assist him to carry *Mr. Tuttle* to goal; but they refusing, he informed them he should go to the neighbouring island of *Campa Bello*, and get assistance from the ship lying there; being determined to carry the said *Tuttle* to goal; and that orders had come from *St. John's* to exercise jurisdiction over the inhabitants of *Moose-Island*.

This account is in part confirmed by a letter communicated to me by *Leonard Jarvis*, Esq; who, as he has lately been in that country, can give information concerning the circumstances of it.

Mr. Avery concludes his letter with expressing his hope, that government will take some steps to prevent its subjects from being insulted by a foreign power, and being liable to be draged away by armed force.

In my former message on this subject, I acquainted you, gentlemen, that Congress had been made acquainted with all the proceedings referred to in that message, and had sent an account of them to the minister of the United States in *London*.

This affair, gentlemen, merits your serious consideration.

Mr. Avery's letter, which will be laid before you, mentions several things respecting the duty of his office; and of that of the Naval-Officers within his district: which may also require your consideration.

JAMES BOWDOIN.

COUNCIL-CHAMBER, February, 10, 1786.

XII.

Resolve approving of the report of a committee appointed by a resolve of the 18th of *March*, 1783, to treat with *Lady Mary Pepperell* and her daughter, respecting certain lands mentioned: and appointing a committee to comply with the terms. February, 11, 1786.

Whereas the committee appointed by a resolve of the 18th of *March*, 1783, to treat with *Lady Mary Pepperell*, and her daughter, on the subject of their right to certain unimproved lands, have reported, that they find large tracts of land in the predicament mentioned in the said resolve; that *Sir William Pepperell*, deceased, died seized of the said lands; that by a clause in his last will, all his lands in the township of *Biddeford*, (which at that time included *Pepperellborough*) and all his lands in *Scarborough*, after the death of his wife and daughter, he devised in fee-tail to his grandson *William Pepperell Sparbaroke*, (now called *William Pepperell*) with diverse limitations over, in case of failure of issue, as by said will may more fully appear:

pear : and other unimproved lands by another clause in the said will, after the death of the said *Lady Pepperell* and *Madam Sparbawke*, he the said *Sir William* deceased, devised to his said grandson in fee-simple ; all which right, title and interest in the lands so devised by the said *Sir William Pepperell*, to his said grandson, has been declared forfeit, and has escheated and accrued to this Commonwealth ; that great strip and waste has been made on the timber and wood on the said lands, without the privity or consent, and against the will and inclination of the said *Lady Pepperell* and *Madam Sparbawke*, and that the same are liable to be pillaged of the remaining growth upon them. And whereas *John Sparbawke*, Esq; agent for the said *Lady Pepperell*, and her said daughter, in their behalf, has made the following proposal, viz. that the said *Lady Pepperell*, and her said daughter, will release and forever quit claim to the Commonwealth of *Massachusetts*, all their interest in the unimproved lands referred to in said resolve, upon their receiving from the said Commonwealth, a deed to them and their heirs in fee-simple, of two ninth parts in quantity and quality of the lands aforesaid, to be agreed upon, assigned and set off to them to the mutual satisfaction of the said *Lady*, and her daughter, and such committee as the General Court may see cause to appoint. And whereas the said committee have further reported as their opinion, that it will be for the benefit of this Commonwealth to accede to the said proposal :

Resolved, That the General Court do approve of the said report and proposal, and that the Honorable *Benjamin Chadbourn*, *David Sewall* and *Nathaniel Wells*, Esquires, be, and hereby are appointed a committee on behalf of this Commonwealth, to comply with the terms aforesaid, with full power to assign and set off, and to make and duly execute a good deed or deeds of two ninth parts of the lands aforesaid, to them, the said *Lady Mary Pepperell*, and her daughter *Sparbawke*, to hold in fee-simple : provided that the said *Lady*, and her said daughter shall previously release and quit claim all their right and interest in, and demands on, the lands aforesaid, and make and execute a good deed or deeds thereof, to this Commonwealth, and deliver the same to the said committee. And the said committee, or any two of them, after partition shall be made, and the deeds aforesaid duly executed and delivered, are empowered to sell all such parts of the lands aforesaid, as by virtue of such deeds as aforesaid, shall belong to this Commonwealth, either at private sale or public auction, for the most they can get, in consolidated notes of this Commonwealth, saving three per cent. which may be received in money. And the said committee are hereby fully empowered, in the name and on the behalf of this Commonwealth, to make and duly execute according to law, good and sufficient deeds of all the lands which they may sell as aforesaid, to the grantee or grantees ; to hold the same in fee with warranty. And the said committee are permitted to give such credit to the grantees, as may appear to them most for the interest of the Commonwealth, and are directed to pay all sums which they may receive in consequence of this resolve into the public treasury of this Commonwealth, saving only so much as may be necessary to defray the expences that may arise in transacting the business hereby assigned to the committee aforesaid ;

and to take duplicate receipts therefor, one of which to be lodged in the Secretary's office. And the said committee are directed from time to time to lay their accounts before the General Court for examination and allowance.

XIII.

MESSAGE from his Excellency the Governour, by the Secretary.
February 11, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

THE letter from our delegates of the 31st of *December*, will inform you, that they, in conjunction with the delegates of *New-York*, had written a joint letter to each of the gentlemen, appointed by Congress Commissioners to run the eastern boundary line of the State of *New-York*, adjoining to this State: requesting their acceptance of the appointment, and assuring them, that satisfactory compensation should be made them for their services.

By the answers of those Commissioners, it appears they accept the appointment; and will attend the business of it in *July* and *August* next.

Their names, which the act of Congress of the 2^d of *December*, announces, are, Mr. *Thomas Hutchins*, Mr. *John Erving* and Mr. *David Rittenbouse*."

The joint answer of the two latter gentlemen mentions, that it will be necessary for them to be informed something concerning the agreement of the two States, and what the nature of the work may be, that they may prepare the instruments suitable to it. That as they will not be able to attend to any other business than that of making the necessary observations, and marking the boundary line, they expect the delegates of the respective States will provide a Commissary, who shall be on the spot when the operations are to commence, about the beginning of *July*, with the necessary provisions, tents, and other articles, that no delay may be occasioned when they arrive.

These matters, together with the measures proper to be taken by the two States, are by the letter from our delegates submitted to your consideration and direction: and they will attend to any further arrangements relative to this subject, with the delegates or agents of *New-York*, that you may think proper and expedient.

The several papers above referred to, will accompany this message, concerning which you will take such measures, gentlemen, as shall appear to you fit and expedient.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *February 11, 1786.*

XIV.

MESSAGE from his Excellency the Governour, by the Secretary.
February 14, 1786.

Gentlemen

Gentlemen of the *Senate* and Gentlemen of the *House of Representatives*,

BY the returns made into the Secretary's office of the number of inhabitants in the several towns and plantations in this Commonwealth, pursuant to an act and resolution of the legislature, it appears there are three hundred and fifty-two thousand, one hundred and seventy-one whites, and four thousand three hundred and seventy-one blacks: the particulars of which you will observe by the account taken of them by the Secretary from those returns. As neither the act or resolution contains any order for transmitting such accounts to Congress, you will please, gentlemen, to give the needful directions for that purpose, expressing your minds, whether a copy of that act and resolution shall be sent with that account.

I have received letters from the Secretary of Congress, which will be laid before you, enclosing a state of the representation of the United States in Congress, for each of the months of *November*, *December*, and *January* last, by which it appears, that no more than seven States have at any time in those months been represented: a circumstance much to be regretted, as such a representation, according to the confederation, is not competent to business of importance. We have however the satisfaction of knowing that this deficiency is in no part of it attributable to this Commonwealth.

JAMES BOWDOIN.

COUNCIL-CHAMBER, February 14, 1786.

XV.

Resolve on the petition of *Nebemiah Rand*, declaring null and void a judgment and an execution issued thereon; and directing the clerk of the Court of Common Pleas in the county of *Middlesex* in this case. February 14, 1786.

Upon the petition of *Nebemiah Rand*, setting forth that a judgment was unduly obtained against him at the Court of Common Pleas holden at *Concord*, within and for the county of *Middlesex*, on the second Tuesday of *September* last, by *Oliver Prescott*, Esq; Judge of Probate for the said county, for the sum of *four hundred pounds*, and the said *Oliver Prescott*, Esq; having in writing signified that he is content that the same judgment should be set aside, and a new trial thereupon granted.

Resolved, That the prayer of the said petition be granted; and that the said judgment and any execution or executions thereupon issued, are declared null and void; and that the clerk of the Court of Common Pleas be and he hereby is directed to bring the same action forward, upon the docket of the same Court; and that the parties to the same action have day thereon at the next Court of Common Pleas to be holden at *Concord*, within and for the said county of *Middlesex*, on the second Tuesday in *March* next, and shall then and there be intitled to all pleas and benefits of a trial, in the same manner as if the judgment aforesaid had not been given.

Provided, That the said *Rand* serve the said *Oliver Prescott* with an attested copy of this resolve fourteen days before the sitting of the same Court.

XVI.

XVI.

Resolve, not admitting any application for the payment of wages due to soldiers drawn by forged orders, after the first of *December* next, and directing the Secretary to publish this resolve. *February 15, 1786.*

Whereas wages due to soldiers, late in the publick service, have in many instances been drawn out of the treasury of this Commonwealth by forged orders; and applications have been frequently made to the General Court, for payment of the wages drawn as aforesaid, the detection of which frauds, have been rendered very difficult, on account of unreasonable delays in making application for relief. It is therefore

Resolved, That no application to the General Court for the payment of wages, drawn by forged orders as aforesaid, shall, after the first day of *December* next, be admitted.

And the Secretary is hereby directed to publish this resolve, in the *Independent Chronicle*, *Massachusetts Gazette*, the *Newbury-Port*, *Falmouth*, *Worcester*, *Springfield* and *Plymouth* news papers, for the space of six weeks.

XVII.

Resolve on the petition of *James Atbearn*, Esq; of *Tisbury*, empowering him to take possession of the house mentioned. *February 15, 1786.*

On the petition of *James Atbearn*, Esq; of *Tisbury*, in the county of *Dukes-County* and Commonwealth aforesaid, setting forth, that in the year of our Lord, one thousand seven hundred and seventy, on the request of *Joash Panue*, Indian man, on the *Gay-Head*, in the county aforesaid, to build him a dwelling house after the English manner; and it appearing to this Court that the said *Atbearn* did build a small house for the said Indian, amounting to *twenty-seven pounds seven shillings and eight pence*, for which he has received only *eight pounds*: Therefore

Resolved, That the prayer of said petition be granted, and the said *James Atbearn* is hereby authorized and empowered, to take possession of said house, and convert it to his own use, or improve said house where it now standeth, with one fourth part of one acre of land adjoining said house.

XVIII.

Resolve on the petition of *Seth Stone*, directing the Treasurer to receive the bills mentioned, and give him a receipt for the same. *February, 15, 1786.*

On the petition of *Seth Stone*, one of the Collectors of taxes for the town of *Medford* in the year 1780, praying that a sum of old continental bills, now in his hands, which he received for taxes within the time limited for receiving the same, may be received into the treasury of this Commonwealth; for reasons mentioned in said petition.

Resolved,

Resolved, That the Treasurer be and he is hereby directed to receive of the said *Seth Stone*, the said bills, amounting to *seventeen thousand, nine hundred and four dollars*; and give him a receipt for the same, in discharge of the said tax, any law or resolve to the contrary notwithstanding.

XIX.

Resolve on the petition of *Hannab Burnam*, empowering her to sell part of the two lots of land mentioned. *February, 20, 1786.*

On the petition of *Hannab Burnam*, praying that she may be empowered to sell certain lands in *Bridgetown*; for reasons set forth in said petition.

Resolved, That *Hannab Burnam*, administratrix on the estate of *Reuben Burnam*, late of a place called *Bridgetown*, in the county of *Cumberland*, her late husband deceased, be, and she hereby is empowered to sell part of two lots of land in said *Bridgetown*, which the said *Reuben* in his life time, bought of *Richard Peabody*, and to make and execute a deed or deeds of sale, and conveyance of the same, she observing the rules and directions of the law, for the sale of real estate by executors and administrators, and first giving bond to the Judge of Probate for the county of *Cumberland*, that the proceeds of the sale shall be disposed of according to law.

XX.

Resolve for discharging guards at the Magazine in *Boston*. *February 20, 1786.*

Whereas it appears to this Court that it is unnecessary to continue the guards now doing duty at the Magazine in *Boston*:

Resolved, That the Commissary-General be, and he hereby is directed to discharge the said guards from any further service at the Magazine aforesaid.

XXI.

Resolve on the petition of *Samuel Fisk*, authorizing the Judge of Probate in *Middlesex* county, to appoint commissioners to examine the claim mentioned. *February 20, 1786.*

On the petition of *Samuel Fisk*, as administrator on the estate of *William Smith*, deceased, praying that the Judge of Probate, for the county of *Middlesex*, may be empowered to grant a further time to the commissioners appointed to receive and examine the claims of the creditors of the estate of *Braddyll Smith*, Esq; late of *Weston*, deceased, represented insolvent, that thereby he may have an opportunity to exhibit a claim against said *Braddyll's* estate, as administrator on the estate of said *William Smith*:

Resolved, That the prayer of said petition be granted, and that the Judge of Probate of Wills, for the county of *Middlesex*, be, and he is hereby authorized and empowered, on application, to appoint commissioners to examine the claim of the said *Samuel Fisk*, as administrator on the estate of the said

William Smith, for the term of one month from the time of their appointment for the purpose aforesaid, that he may have an opportunity to exhibit his claim within the term mentioned; any law to the contrary notwithstanding.

XXII.

Resolve granting a tax of *three hundred and eighty-four pounds three shillings and five pence*, to be apportioned and assessed on the polls and estates within the county of *Barnstable*. February 20, 1786.

Whereas it appears, from an estimate of the Justices of the Court of General Sessions of the Peace for the county of *Barnstable*, that the sum of *three hundred eighty-four pounds three shillings and five pence* will be necessary for defraying the charges of the said county, for one year next ensuing the first Tuesday of *December* last :

Resolved, That there be, and hereby is granted, a tax of *three hundred eighty-four pounds three shillings and five pence*, to be apportioned and assessed on the polls and estates within the said county of *Barnstable*, and collected, paid and applied for the use of said county, agreeably to the laws of this Commonwealth.

XXIII.

Resolve on the representation of *John Lucas*, Esq; in behalf of *Edward Bates*, a soldier, entitling him to an annual pension equal to three-fourth parts of the pay of a soldier, to commence 1st *January*, 1780. February 20, 1786.

On the representation of *John Lucas*, commissary of pensioners, in behalf of *Edward Bates*, a soldier in the seventh *Massachusetts* regiment :

Resolved, That the said *Edward Bates* be, and hereby is entitled to an annual pension, equal to three-fourth parts of the pay of a soldier, to commence on the first day of *January*, 1780, and continue till the further order of this Court or of Congress.

XXIV.

Resolve on the petition of *Seth Warren*, of *Lanesborough*. February 20, 1786.

Whereas *Seth Warren*, of *Lanesborough*, in the county of *Berkshire*, hath petitioned for a new trial in an action brought against him by one *David Ensign*, in favour of a pretended *Henry Nichols*, at the Court of Common Pleas, held in the county of *Hampshire*, in *May*, 1785, for reasons set forth in the petition, and the adverse party was notified to shew cause the second Wednesday of the present setting of the General Court, why the prayer of the petition should not be granted; but although duly notified, did not appear: Therefore

Resolved,

Resolved, That the petition of said *Seth Warren* be so far granted, as that he shall be, and hereby is empowered to enter his appeal in the action aforesaid, at the Supreme Judicial Court, to be holden at *Northampton*, in and for the county of *Hampshire*, on the fourth Tuesday of *April* next; and the same Court are hereby authorized and empowered to proceed thereon in the same manner as they might by law have done, if the said *Seth Warren* had entered his appeal in due season; any law, usage or custom to the contrary notwithstanding; and that execution in the mean time be stayed.

XXV.

Resolve on the petition of the parishioners of the first parish in *Beverly*, granting *one hundred pounds.* *February 21, 1786.*

On the petition of the parishioners of the first parish in *Beverly*, praying for an allowance for their expences in settling as their pastor, the Rev. Mr. *McKein*, in the place of the Rev. *Joseph Willard*, who was chosen and appointed President of *Harvard-College*:

Resolved, That the sum of *one hundred pounds* be, and hereby is granted to the said parish; the said sum to be allowed and paid out of the public treasury, to the order of the said parish, as a compensation for their expences aforesaid.

XXVI.

MESSAGE from his Excellency the Governour, by the Secretary. *February 21, 1786.*

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

THE extravagant importation of foreign manufactures, since the conclusion of the war, has greatly injured our own, particularly those in wool.

The quantity of woolens imported, their superior fabric, and the cheapness of them, have not only in a great measure put a stop to our looms, and to the several other modes of manufacturing our wool, but have thereby been a principal cause of the decrease of sheep in this Commonwealth.— This decrease, as we are now necessitated to manufacture for ourselves, is universally felt and regretted: and it has become necessary to apply some remedy to this evil, which for several years has been a growing one. You will therefore allow me, gentlemen, to recommend to you, to apply some effectual remedy accordingly; and at the same time to project some method, by which we may obtain models of several machines, or the machines themselves, lately invented for manufacturing woolen cloth, by the use of which there would be a saving of much labour and expence, and the cloth would be manufactured in a superior manner.

JAMES BOWDOIN.

February 21, 1786.

XXVII.

XXVII.

MESSAGE from his Excellency the Governour, by the Secretary. *February 21, 1786.*

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

As the encouragement of every useful manufacture in the Commonwealth has now become necessary, it is my duty to mention to you a very important one,—so important to us, as a free and independent people, that our existence as such may depend on the establishment of it among ourselves.—I mean the manufacture of gun-powder.

Experience has taught us how necessary powder has been for our safety and defence : and the present state of things indicates, that a supply of it may be again necessary for the same purpose. The importance of a sufficient and constant supply, obliges me, gentlemen, to call on you to make the needful provision for it.

Of the several methods of doing it, the establishment of a permanent manufactory within the Commonwealth, appears the most eligible. The principal and most costly ingredient in the composition, salt-petre, may be furnished in several ways by a State factory,—by a specific tax on the State at large, payable in that article, and delivered at the factory, or by a like tax on the county wherein the factory might be established : in which last case, the salt-petre delivered in behalf of any town should at a certain price be carried to its credit by the factory overseer, and the sum credited should discharge so much of such town's proportion of the general State tax for the year.

A tax of this sort is not a novelty in this country : for so early as the year 1643, a salt-petre tax, I have been informed, was laid on the then colony of *Massachusetts-Bay*.

When the militia shall be arranged, and settled according to the last militia act, there will be an annual consumption of about forty barrels of powder by the companies of artillery in the nine divisions. Some of those companies, formed by virtue of the preceding militia act, have already applied for the powder they are respectively entitled to, but the small quantity in the public magazines, has obliged me to suspend giving orders for the delivery of it, until the magazines shall be further supplied. This supply, gentlemen, will depend on your pleasure : and it being a matter of great importance to the safety of the Commonwealth, you will please to give your immediate attention to it.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *February 21, 1786.*

XXVIII.

Resolve on the petition of the selectmen of *Barre*, authorizing *Lemuel Osgood*, one of the present Constables of the said town, to receive the rate bills, or estimate mentioned, from the heads of such classes as are delinquent, and also to collect the same from such delinquents, in the way other taxes are collected. *February 22, 1786.*

On the petition of the selectmen of the town of *Barre*, setting forth the difficulties they labour under in collecting from certain persons; their proportion of the several classes agreed to and settled at a legal town-meeting, warned for the purpose of averaging the voluntary services done by a number of inhabitants of said town, more than their due proportion, during the late war with *Britain*, as is particularly set forth in their petition; and praying this Court would enable them to collect from said delinquents, such sums as are assessed in said classes:

Resolved, That *Lemuel Osgood*, one of the present constables of the town of *Barre*, be, and he is hereby authorized and empowered; to receive the rate-bills or estimate made by the town, at their meeting aforesaid, from the heads of such classes as are delinquents, and also to collect the same from all such delinquents, in the way and manner which other taxes are collected, and to pay such sums so collected into the heads of each class from whom he may receive the respective lists; which lists shall be compared with those upon record in the town's books.

XXIX.

Resolve discharging the committee of accounts from *three thousand pounds*, and granting *four thousand pounds* to the said committee. *February 23, 1786.*

Whereas it appears to this Court, that the committee for examining and passing accounts have accounted for the expenditure of the sum of *three thousand pounds*, granted by this Court in *November* last, and that a further sum of money is necessary to be appropriated for payment of such accounts as have been or may be allowed by said committee: Therefore

Resolved, That the said committee be discharged from the said sum of *three thousand pounds*, and that a further sum of *four thousand pounds* be paid out of the treasury of this Commonwealth to the aforesaid committee for allowing and passing accounts, said committee to be accountable for the expenditure of the same.

XXX.

Resolve on the petition of *Henry Coolidge*, directing the Justices of the Court of Common Pleas, in the county of *Middlesex*, to enquire into the premises, &c. *February 23, 1786.*

On the petition of *Henry Coolidge*, of *Boxborough*, in the county of *Middlesex*, representing, that at the Court of Common Pleas, held at *Concord*, within and for the county of *Middlesex*, in *March* last, he brought an action of covenant broken, against *George Dana*, of *Ashburnham*, in the county of *Worcester*, and that at the said Court of Common Pleas, in *May* last, judgment was rendered in favour of the petitioner; but that by accident a mistake happened, greatly to his damage, and praying the aid of this Court:

Therefore *Resolved*, That the Justices of the Court of Common Pleas, in the said county of *Middlesex*, at their next term, be, and they hereby are fully

fully authorized to enquire into the premises, hear the parties, and rectify any mistake they may find in the judgment aforesaid, or relative thereto, as may be for the furtherance of justice, in as ample a manner as they might have done before record, any law to the contrary notwithstanding; provided the petitioner notify the said *George*, by delivering to him, or leaving at his last and usual place of abode, an attested copy of this resolve, fourteen days at the least, before the said next setting of the said Court of Common Pleas.

And it is further *Resolved*, If the said *George* shall attend the said Court of Common Pleas, in consequence of the aforesaid notification, he shall be intitled to his reasonable costs for such his attendance, any thing in the foregoing resolves to the contrary notwithstanding.

XXXI.

Resolve on the petition of the selectmen of the town of *Cumington*, appointing a committee to repair to said town, to ascertain the east line of said town, and to examine a tract of land between the said town and *Goshen*, and to consider the expediency of annexing said tract of land to one or other of said towns, and to make report. *February 23, 1786.*

On the petition of the selectmen of the town of *Cumington*, representing, that a dispute has arisen between said town of *Cumington*, and the inhabitants adjoining the east line of said town, and praying for a committee to settle said dispute:

Resolved, That *John Hastings*, *Samuel Taylor*, and *Benjamin Tupper*, Esq's. be a committee to repair to the town of *Cumington*, to ascertain the east line of said town,—to examine whether there is a tract of land lying between the towns of *Cumington* and *Goshen*,—to consider the expediency of annexing said tract (if any there be) to one or other of said towns,—and to make a report of their doings to the next General Court, at their first sessions. The said town of *Cumington* to pay the expence of the said committee.

XXXII.

Resolve on the petition of *John Thomas*, of *Marshfield*, granting him the fee of his father, *Nathaniel Ray Thomas's* estate, vested in this Commonwealth since the departure of *Mrs. Thomas*,—provided. *February 23, 1786.*

On the petition of *John Thomas*, of *Marshfield*, praying that such part of his father's confiscated estate, as was duly assigned and set off to his mother, *Sarah Thomas*, to be improved by her so long as she remained within this Commonwealth, may, since she is now departed therefrom, be vested in him in fee:

Resolved, That all such parts and parcels of the confiscated real estate, late of *Nathaniel Ray Thomas*, of *Marshfield*, as since his departure from this Commonwealth have been assigned and set off to his wife, *Sarah Thomas*, for her use and improvement, so long as she remained within this Commonwealth,

monwealth, and the fee whereof, since her departure therefrom, is vested in this Commonwealth, be, and they hereby are given and granted to said *John Thomas*, son of the said *Nathaniel Ray Thomas*, to have and to hold the same to him the said *John Thomas*, his heirs and assigns forever, to his and their proper use and benefit.

Provided nevertbeless, and this grant is on the following condition, That after all the avails of his said father's estate, which have been received into the public treasury, shall be drawn out therefrom to the use of the several creditors of said estate, he the said *John Thomas* shall pay and satisfy all such debts as shall then remain due from his said father's estate, and also such debts as may remain due on the settlement of the same.

And be it further *Resolved*, That in case any individual creditor or creditors may be willing to take the said *John Thomas's* security, in satisfaction of their whole demands against his said father's estate, in preference to drawing their proportion thereof out of the public treasury; and the said *John Thomas* is willing to secure the same, such creditor or creditors, are hereby empowered and authorized to make such compromise with said *John Thomas*, without being obliged to wait till the avails of his said father's estate are first drawn out of the public treasury, and for all such sum or sums of money which the said *John Thomas* shall thus secure to any creditors, the same shall go, and be as so much in discharge of the condition annexed to the grant aforesaid.

XXXIII.

Resolve on the petition of *Levi Nichols*, making null a certain judgment, and directing the officer holding the execution to proceed no further against the said *Levi*. February 23, 1786.

On the petition of *Levi Nichols*, shewing that the President and Fellows of *Harvard University*, have obtained an erroneous judgment against him, and that an execution thereon, hath issued, and he is in danger of being committed to goal. And whereas the said President and Fellows, by *Jonathan Mason, jun. Esq;* their attorney, do acknowledge the truths of the facts set forth in the said petition:

Resolved, That the said judgment be, and it is hereby made null and void, and the officer holding the said execution, on the said *Levi's* presenting him with a copy of this resolve, is directed to proceed no further against the said *Levi*, but to return the said execution, with the said copy thereto annexed.

XXXIV.

Resolve on the petition of *Frederick Alburt*, directing the Treasurer to receive the sum mentioned, in old money, in discharging the collection committed to him. February 23, 1786.

On the petition of *Frederick Alburt*; setting forth, that he was a collector of taxes in the town of *Lancaster* for 1780, and that he had collected from said assessment, of the several persons borne on said list, the sum of two thousand

thousand nine hundred and thirty-six pounds ten shillings, in Continental money, before the sixteenth day of July, 1781, and before he had knowledge of any resolve of the General Court to the contrary, and that he sent the same to the Treasurer, but it could not be received for want of a certificate, which your petitioner afterwards did procure, though the said sum has never yet been received: Therefore

Resolved, That the prayer of the petition be granted, and the Treasurer is hereby directed to receive of the said *Frederick Alburt* the above said sum of two thousand nine hundred and thirty-six pounds ten shillings, Continental currency of the old emission, in discharge of so much of the collection committed to him to collect, he paying the cost of the execution.

XXXV.

Resolve on the petition of *Manasseh Divoll*, directing the Judge of Probate for *Suffolk* county to appoint commissioners on *Richard Lechmere's* estate, &c. February 23, 1786.

On the petition of *Manasseh Divoll*:

Resolved, That the honourable *Oliver Wendell*, Esq; Judge of Probate for the county of *Suffolk*, is hereby impowered and directed to require the commissioners lately appointed on the estate of *Richard Lechmere*, Esq; a conspirator, to examine the claims of *Manasseh Divoll*, administrator *de bonis non*, &c. of *Michael Tralette*, late of *Lancaster*, deceased, to whom the said *Richard Lechmere*, Esq; was executor, in order that the said *Manasseh Divoll* may receive out of the said *Lechmere's* estate what was due to the said *Divoll* from his administration aforesaid on the estate of the said *Tralette*, whereof the said *Richard Lechmere*, Esq; was executor, the said *Lechmere* having left a sufficiency of the said *Tralette's* effects in the hands of the Commonwealth for the said purpose; the said *Manasseh Divoll* paying the expense of the commission aforesaid.

XXXVI.

Resolve on the petition of *Jonathan Poor*, and others, empowering the Court of General Sessions of the Peace for *Essex* county, to appoint a committee to be joined with the trustee of the toll-bridge over *Parker River*, to exempt the petitioners and their families from paying the toll required, and to compound with the owners of the mail stages. February 23, 1786.

On the petition of *Jonathan Poor*, and others, setting forth the unequal and heavy burden to which they are subjected, by the toll for passing the bridge over the *River-Parker*:

Resolved, That the Court of General Sessions of the Peace for the county of *Essex*, be, and they are hereby authorized and empowered, to appoint a committee, to be joined with the trustee for the bridge aforesaid, to exempt the petitioners and their respective families from paying the toll required by law, upon their engaging to maintain in repair such a part of said bridge, and for

such a time, as the committee and trustee may think reasonable. And the said Court of Sessions are hereby further authorized, to vest the committee and trustee aforesaid, with the power to make the like exemption, in favour of others, in the vicinity of the said bridge, who may request the same; and likewise to compound with the owners of the mail stages for the payment of a certain sum, in lieu of the toll they would otherwise be subjected to pay for passing over the said bridge.

XXXVII.

Resolve on the petition of the district of *New-Ashford*, directing the Treasurer to credit the said town with one-third of the taxes as settled by the valuation in 1778. *February 23, 1786.*

On the petition of the district of *New-Ashford*, praying that part of the taxes laid on said district may be abated, for reasons set forth in said petition:

Resolved, That the prayer of the petition be so far granted, that the Treasurer be, and he is hereby directed to credit the said district of *New-Ashford*, one-third part of all taxes which have been laid on said district since the valuation settled in the year 1778; any law or resolve of the General Court to the contrary notwithstanding.

XXXVIII.

Resolve on the petition of *Benjamin Colt*, empowering the Judge of Probate for the county of *Hampshire*, to order that the share of the said *Benjamin*, in the estate of *Benjamin Colt*, deceased, be set off in severalty. *February 23, 1786.*

On the petition of *Benjamin Colt*, praying that the Judge of Probate, &c. for the county of *Hampshire*, may be empowered to order that his share in the estate of *Benjamin Colt*, late of *Hadley*, in the said county of *Hampshire*, gentleman, deceased, be set off to him in severalty, for reasons set forth in his petition:

Resolved, That the prayer of the petition be granted, and the Judge of Probate for the county of *Hampshire* be, and he is hereby authorized and empowered, to order that the share of the said *Benjamin Colt*, in the estate of said *Benjamin Colt*, deceased, be set off to him in severalty; any law or usage to the contrary notwithstanding.

XXXIX.

Resolve granting *eight hundred pounds* to be laid on the county of *Berkshire*, to defray the necessary charges of said county. *February 23, 1786.*

On the estimate of the Justices of the Court of General Sessions of the Peace, begun and held at *Great-Barrington*, within and for the county of *Berkshire*, on the second Tuesday of *September*, in the year of our Lord, one thousand seven hundred and eighty-five, preferred by their clerk, agreeable

to an act directing the manner in which money shall be raised and levied to defray the charges which may arise within the several counties in this Commonwealth :

Resolved, That the sum of *eight hundred pounds* be, and it is hereby granted, to be laid on the said county of *Berkshire*, to defray the necessary charges thereof, for one year next following the said 2d Tuesday of *September*, to be apportioned, assessed, collected and applied, agreeable to the said act.

XL.

Resolve granting a tax of *seven hundred and fifty pounds*, to be laid on the county of *Worcester*, to defray the necessary charges of said county. *February 23, 1786.*

On the estimate of the Justices of the Court of General Sessions of the Peace, begun and holden at *Worcester*, within and for the county of *Worcester*, on the first Tuesday of *December* last, preferred by their clerk, according to an act, entitled, "An act directing the manner in which money shall be raised and levied, to defray the charges which may arise within the several counties in this Commonwealth :

Resolved, That the sum of *seven hundred and fifty pounds* be, and it is hereby granted, to be laid on the said county of *Worcester*, to defray the necessary charges thereof, for one year next following the said first Tuesday of *December*, to be apportioned and assessed according to the said act.

XLI.

Resolve on the petition of *Elijah Bacon*, nullifying a certain judgment, and empowering him to enter his appeal. *February 23, 1786.*

On the petition of *Elijah Bacon*, of *Providence*, in the State of *Rhode-Island*, praying that a judgment might be set aside, which was obtained against him by *Oliver Ware*, of *Wrentham*, in the county of *Suffolk*, yeoman, for the sum of *one hundred and fifty pounds, eight shillings and six pence*, in an action at the Supreme Judicial Court, held at *Boston*, on the last Tuesday of *August*, Anno Domini, 1783 :

Resolved, That the prayer of the said petition be granted, and that the said judgment be, and it is hereby nullified ; and all proceedings had thereon, are hereby declared void ; and the said *Bacon* is empowered to enter his appeal from the judgment of the Court of Common Pleas, held at *Boston*, in the county of *Suffolk*, on the first Tuesday of *July*, A. D. 1783, in the action aforesaid, at the Supreme Judicial Court next to be holden at said *Boston*. And the Justices of the said Supreme Judicial Court are hereby authorized and empowered to proceed in hearing and determining the said action, in the same manner as they might by law have proceeded thereon, had the same been entered at the said Court, on the last Tuesday of *August* aforesaid, and as though no judgment had been rendered by them in favour of said *Ware*.

XLII.

Resolve on the petition of *Nathan St. John* and others, authorizing the Judge of Probate of *Berkshire*, to appoint three impartial men for the purpose mentioned. February 23, 1786.

On the petition of *Nathan St. John* and others, praying that a dower might be set off to his wife *Abigail*, out of the estate of *Caleb Smith*, late of *Stockbridge*, deceased, as an equivalent for her dower in the estate of *Joseph Hawley*, late of *Ridgfield*, in the State of *Connecticut*, deceased, which she released to the said *Caleb* in his life time :

Resolved, That the Judge of Probate for the county of *Berkshire* be, and he hereby is empowered to appoint three impartial and indifferent men, and freeholders in said county, directing them to set off and assign to *Abigail St. John*, during her natural life, to be improved by her as dower, under the regulations of law, so much and such part of the real estate of *Caleb Smith*, late of *Stockbridge*, deceased, as they shall judge an equivalent to her thirds or dower in the estate of *Joseph Hawley*, late of *Ridgfield*, deceased, which she released to the said *Caleb* in his life-time. The doings of said men to be allowed by the Judge of Probate, and recorded in the Probate-Office for the county of *Berkshire*.

XLIII.

Resolve on the petition of *Hobart Clark*, administrator on the estate of *Benjamin Ruggles*, empowering the Justices of the Court of Common Pleas for *Suffolk* county; to examine witnesses to support the identity of the signature of *Samuel* and *Josiah Ruggles*. February 24, 1786.

Upon the petition of *Hobart Clark*, administrator on the estate of *Benjamin Ruggles*, late of *Brantree*, in the county of *Suffolk*, yeoman, deceased, praying that a mode may be prescribed for taking the acknowledgment of two deeds made to said *Benjamin* while in full life,—one by *Samuel Ruggles*, March 7, 1726, and one by *Josiah Ruggles*, October 27, 1741, both of which grantors, and all the witnesses to said deeds being now deceased :

Resolved, That the Justices of the Court of Common Pleas for the county of *Suffolk*, be, and they hereby are authorized and empowered to hear and examine such witnesses, and receive such other evidence to the signatures of the said *Samuel* and *Josiah*, as at common law is admissible, to support the identity of hand-writing ; and the said Justices upon their conviction of the authenticity of the same, are hereby authorized to cause a record of the acknowledgment of the aforesaid deeds, to be entered thereon in the same manner as though the witnesses to said deeds were now living, reference therein being made to this resolve ; which proceedings shall have the same validity as though the witnesses to said deeds were present to testify to the same.

Resolve

XLIV.

Resolve on the petition of the east parish in *Almsbury*, *Simeon Bartlett*, and others, authorizing them to make sale of the parsonage land mentioned. February 25, 1786.

On the petition of *Simeon Bartlett*, and others, a committee of the east parish of *Almsbury*, praying for liberty to sell the parsonage land belonging to the said parish, for reasons set forth in the said petition :

Resolved, That the prayer of the said petition be granted, and that *Simeon Bartlett*, *Samuel Ordway* and *John Barnard*, the committee of the said east parish of *Almsbury*, be, and they hereby are authorized and impowered to make sale of the said parsonage land, in such way and manner as the said parish shall direct, (they first giving bond, with sufficient sureties, to the Treasurer of the said east parish, for the faithful discharge of the said trust) and to receive the net proceeds of the same, and to give a good and sufficient deed to the purchaser of the said land.

And it is further *Resolved*, That the money arising from the sale of the parsonage land aforesaid, shall be invested, as soon as may be, in other real estate in some convenient part of the said parish ; which estate so purchased, shall be for the use of the ministry of the said east parish forever.

XLV.

MESSAGE from his Excellency the Governour, by the Secretary. February 25, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

THE letter of the General Court to our delegates, dated the 4th of *November* last, has been laid before Congress. You will recollect that it was grounded on several petitions to the Court from persons in the town of *Boston*, representing that divers effects had, by orders of the *British* Commander in Chief, while the *British* troops were in possession of the town, been taken from them ; and praying for the aid of the Court in recovering a compensation for those effects. I would inform you, gentlemen, that Congress have transmitted to their minister in *London*, an instruction upon that subject.

In consequence of an order of Congress of the second of *January* last, the Secretary of Congress has reported to them the particular States, which have complied, in whole or in part, with the revenue system of the 18th of *April*, 1783 ; with the recommendation of Congress of the same date, for an alteration of the 8th article of the confederation ; and with the act of the 30th of *April*, 1784, recommending the vesting of certain commercial powers in Congress.

The essence of the report is, that the first part of the revenue system, the investing Congress with a power to levy certain duties upon goods imported into the United States, has in whole been complied with, by nine States ; including *Massachusetts* and *Delaware*, and in part by another.—The second part of the revenue system, is the establishing for twenty-five years,

years, to discharge the debts contracted on the faith of the United States, for supporting the war, substantial and effectual revenues, for supplying their respective proportions of *one million, five hundred thousand dollars*, annually, exclusive of the aforementioned duties. With this part of the system, three States have complied in whole, and a fourth in part.

It does not appear, that *Massachusetts* is one of those four States, that have complied. This part of the recommendation, gentlemen, although it be not now expressly renewed, merits your serious consideration.

With respect to the two last recommendations, for an alteration in the eighth article of the Confederation, and for vesting Congress with certain commercial powers, eight States have complied with the former, and nine with the latter: both inclusive of *Massachusetts*.

The report at large, with a letter from the Secretary of Congress, of the 12th of *January*, will be laid before you.

JAMES BOWDOIN.

COUNCIL-CHAMBER, February 25, 1786.

XLVI.

Resolve on the petition of the west parish in *Ambsbury*, empowering *Christopher Sargent* and others, to sell parsonage lands. February 25, 1786.

On the petition of the west parish in *Ambsbury*, praying for liberty to sell the parsonage lands, consisting of upland and salt-marsh, belonging to said parish, for reasons set forth in said petition:

Resolved, That the prayer of said petition be granted, and *Christopher Sargent* and *Willis Patten*, a committee of said parish, are hereby authorized and empowered to sell said parsonage land, and to make and execute a good and lawful deed or deeds of the same, they first giving bond to the Treasurer of said parish, for the faithful execution of their trust, and to apply the money arising from the sale of said lands, for purchasing other land, in some convenient place in said parish; and the land so purchased, shall be kept for the use of the ministry of said parish, forever.

XLVII.

Resolve granting *two hundred and eighty-six pounds* to *Levi Lincoln*, Esq; for services performed relative to confiscated estates. February 25, 1786.

On the petition of *Levi Lincoln*, Esq; of *Worcester*, praying for an allowance out of the proceeds of the sales of confiscated estates in the county of *Worcester*, for services performed and monies expended, as set forth in his said petition, and the account accompanying the same.

Resolved, That there be allowed and paid to the said *Levi Lincoln*, by the committee for the sale of said estates, out of the proceeds of the same, the sum of *two hundred and eighty-six pounds*, in full for his services aforesaid.

XLVIII.

Resolve on the petition of *James Tucker*, directing the Treasurer to pay certain notes, of the same tenor and date which were delivered in consequence of a forged order. February 25, 1786.

On the petition of *James Tucker*, serjeant in the fifth *Massachusetts* regiment, in Capt. *Hudang's* company, setting forth, that some person by a forged order on the treasury of this Commonwealth, hath drawn his wages for the year 1780, and praying that he may have his said wages paid to him :

Resolved, That the prayer be so far granted, that the Treasurer of this Commonwealth be, and he is hereby directed, to make out and pay to the said *James Tucker*, notes of the said sum, tenor and date, that those notes were of, which were delivered in consequence of the aforesaid forged order.

XLIX.

MESSAGE from his Excellency the Governour, by the Secretary.
February 27, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

ON the 25th instant, I communicatad to you, a report made to Congress by their Secretary, representing, among other things, what States in the union had complied, either in whole or in part, with the revenue system recommended by the act of Congress of the 18th of *April*, 1783. I mentioned to you, that this State had not complied with an essential part of it ; and that it merited your serious consideration, although it did not then appear to be recommended anew.

Since that communication, *viz.* by the last post, I have received a letter from the Secretary of Congress, enclosing an act of that honourable Body, of the 15th instant, respecting the same system, also a schedule of the French and Dutch loans, shewing the periods of their redemption, with the annual interest payable thereon, until their final extinction, for which provision is yet to be made.

From the statement of facts in the said act, it appears what States have, and have not, either wholly or in part, complied in the above-mentioned revenue system. Among those, that have complied with it only in part, is *Massachusetts* : to whose Legislature, as well as to the Legislatures of the other delinquent States, it is most earnestly recommended by Congress, completely and without further delay to adopt the said system.

They thought it their duty candidly to examine the principles of that system, and to discover, if possible, the reasons which have prevented its adoption. But they cannot learn that any member of the confederacy has stated or brought forward any objections against it : and the result of their impartial enquiries into the nature and operation of it, has been a clear and decided opinion, that the system is more free from well-founded exceptions, and is better calculated to receive the approbation of the several States, than any other, that the wisdom of Congress can devise.

They

They further declare, that in the course of this enquiry it most evidently appeared, that the requisitions of Congress, for eight years past, have been so irregular in their operation, so uncertain in their collection, and so evidently unproductive, that a reliance on them in future, as a source from whence monies are to be drawn, to discharge the engagements of the confederacy, would be dangerous to the welfare and peace of the Union: They are therefore seriously impressed with the indispensable obligation they are under of representing to the several States, the utter impossibility of maintaining and preserving the faith of the federal government, by temporary requisitions on the States; and the consequent necessity of an early and complete accession of all the States, to the revenue system aforesaid. That the said system has been under reference for nearly three years; and during that period, notwithstanding the numerous changes, which have taken place in the delegations of every State, it has received the repeated approbation of each successive Congress. That the urgency of the public engagements at this time, renders it the unquestionable duty of the several States to adopt, without further delay, a measure, which alone, in the judgment of Congress, can preserve the sacred faith of this confederacy.

That after the most solemn deliberation, and under the fullest conviction, that the public embarrassments are such, as they have represented, it has become the duty of Congress, to declare most explicitly, that the crisis has arrived, when the people of these United States, by whose will, and for whose benefit the federal government was instituted, must decide, whether they will support their rank as a nation, by maintaining the public faith at home or abroad; or whether, for want of a timely exertion in establishing a general revenue, and thereby giving strength to the confederacy, they will hazard, not only the existence of the Union, but of those great and invaluable privileges, for which they have so arduously, and so honourably contended.

And to the end that Congress may remain wholly acquitted from every imputation of a want of attention to the interest and welfare of those whom they represent, they have, among other things, resolved, that whilst Congress are denied the means of satisfying those engagements, which they have constitutionally entered into for the common benefit of the nation, they hold it their duty to warn their constituents, that the most fatal evils will inevitably flow from a breach of public faith, pledged by solemn contract, and from a violation of those principles of justice, which are the only solid basis of the honour and prosperity of nations.

I have here given you, gentlemen, from a long act of Congress, an abstract of some of the observations contained in it: which by being brought into a closer connection may strike the more forcibly.

These observations are in the highest degree important, and are as just as they are important; and demand a serious, very serious attention.

The questions, that naturally arise on this occasion, are short. Shall the union cease to exist? Shall our rank as a nation become extinct? Shall freedom and independence,—shall the privileges and blessings derived from them, be relinquished as things of no value? Shall breach of contract and public

public faith compel our allies, who rank with the first powers of Europe, to become our enemies? Shall a like breach destroy all confidence in Government among ourselves, and thereby introduce the worst of evils,—internal discord and distraction? and will the General Court, by not complying with the present recommendation of Congress, so warmly and pathetically urged, hazard the imputation of involving the Commonwealth in such a complication of evils?

I am morally certain, Gentlemen, that your proceedings upon that recommendation, will clearly evidence a most vehement negative in all those questions.

JAMES BOWDOIN.

COUNCIL-CHAMBER, February 27, 1786.

L.

Resolve on the petition of *Uriah Tilton*, and others, appointing a committee to rectify a mistake that hath taken place in writing a certain division deed of a part of the homestead land of *Zephaniah Maybew*, deceased. and to cause the same to be recorded in the register's-office. February 28, 1786.

Resolved, That *John Worth*, of *Edgartown*, Esq; Messieurs *James Allen* and *Nathan Maybew*, of *Chilmark*, all of *Duke's-County*, be, and hereby are appointed a committee (being first sworn) to rectify the mistake that hath taken place in writing the division deed of that part of the homestead land of *Zephaniah Maybew*, late of *Chilmark*, deceased, which was set off to the widow of said *Maybew*; which mistake took place in the fourth and fifth shares mentioned in said deed, bearing date the 22d day of *June*, 1773: and the committee aforesaid, after hearing the parties and evidence relating to the mistake in the two shares before-mentioned, shall describe the same by lasting meets and bounds, as to them shall appear conformable to the original division, and cause the same to be recorded in the register's-office of said county, which shall make a good title to the said shares before-mentioned, as if the mistake in the deed aforesaid had never taken place; any law to the contrary notwithstanding.

LI.

Resolve directing the Secretary to deliver the book of records relative to probate matters to the clerk of the Supreme Judicial Court. February 28, 1786.

Whereas the appelland jurisdiction of probate matters is by an act of the General Court transferred from the Governour and Council to the Supreme Judicial Court, which is thereby constituted the Supreme Probate Court: and it being expedient that the records relating to probate matters heretofore kept in the Secretary's office should be delivered to the said Supreme Probate Court: Therefore

Resolved,

Resolved, That the Secretary be, and he hereby is directed to deliver such book or books of records relative to said probate matters as have been heretofore kept in his office, to the clerk of the said Supreme Court, to be by him kept in the said clerk's office for the purpose of continuing the records thereof.

LII.

Resolve on the petition of *Loammi Baldwin*, rectifying a mistake made on the plan of *Flyntstown*, lying between *Saco-River* and *Sabago-Pond*. February 28, 1786.

On the petition of *Loammi Baldwin*, praying that a certain mistake might be rectified, which was made on the plan of *Flyntstown*, so called, lying between *Saco-River* and *Sabago-Pond*, which was granted to *Samuel Whittmore*, and others, wherein W for west was inserted instead of E for east, on the line extending northward from *Muddy-River*, as will plainly appear on said plan: Therefore

Resolved, That the line before-mentioned, running northward five hundred and twenty-two rods from *Muddy-River* aforesaid, for the future, be considered and understood to run north, thirty-six degrees east, according to the true intent and meaning of said plan; any resolve heretofore passed to the contrary notwithstanding.

LIII.

Resolve suspending a certain clause in an act, entitled, "An act in addition to, and for the explanation of an act entitled an act for laying duties of impost and excise, on certain goods, wares and merchandize therein described, and for repealing the several laws heretofore made for that purpose," to the third Wednesday of the next sitting of the General Court. February 28, 1786.

Whereas the operation of a certain clause in an act, entitled, "An act in addition to, and for the explanation of an act, entitled, "An act for laying duties of impost and excise on certain goods, wares, and merchandize therein described, and for repealing the several laws heretofore made for that purpose," was by a resolve of the fourth of *July* last, suspended till the second Tuesday of the then next sitting of the General Court; and by one other resolve of the first of *December* last, was further suspended till the third Tuesday of the next sitting of the General Court; and whereas it is expedient that the operation of the clause recited in the said resolve of the fourth of *July* last, should be further suspended:

Resolved, That the said recited clause be, and hereby is further suspended in its operation, till the third Wednesday of the next sitting of the next General Court.

LIV.

Resolve making an establishment for the Messenger of the General Court, and pointing out his duty. February 28, 1786.

H

Whereas

Whereas by the death of the late Mr. *William Baker*, who, for many years past, with great care, prudence and fidelity, discharged the duties of the office of Messenger to the General Court, that place is now become vacant. And whereas it is expedient, previous to filling up the said vacancy, that the duties of the office of Messenger or Door-keeper of the General Court, should be particularly pointed out and defined: Therefore

Resolved, That it shall be the duty of the person, who shall be chosen to the office of Messenger or Door-keeper of the General Court, and who shall accept the same, to perform the duties and services herein after mentioned and enumerated, *viz.*

To open the outward doors on the lower floor of the State-House every morning, and to shut them every night; Sabbath days, public Thanksgiving and Fast days excepted.

To take charge of all the keys belonging to the outward doors, and to the doors of the several apartments of the said State-House, that are occupied by the General Court.

To take all prudent care to prevent any trespass or damage from being committed on, or done to, any part of the said State-House, by any person or persons whatsoever. And in case such trespass or damage shall take place, and the offender be known, it shall be the duty of the Messenger of the General Court, to inform the Attorney-General of the same, in order that he may prosecute such offender or offenders to effect, so as to bring him or them to condign punishment.

To take care that the several chambers and lobbies occupied by the General Court be kept clean, and in decent order.

To take care of all such books and files of papers as are usually kept in either of the rooms or lobbies of the State-House occupied by the General Court, keeping them secure, and taking care that no damage happen to them.

To visit all the apartments in the State-House that are occupied by the General Court, every day, during the recesses of the said Court, when the outward doors are required to be opened, carefully observing the state and condition of the same, and taking all prudent precautions to prevent damage being done by storms beating into the windows, or otherwise.

To kindle and keep up suitable fires (in the season of the year when the same shall be necessary) in the Senate chamber, and Representatives chamber, and in such of the lobbies as may be ordered by the General Court in their several sessions, or by Committees, who may sit in the State-House, by order of Government, in the recesses of the said Court; attending the said fires during the time they shall be improved, and carefully extinguishing the same, as soon as the members of the two Houses, or such Committees, shall have retired; and it shall be his duty to visit at night every of the aforesaid apartments, where a fire shall have been kept in the day preceding.

To provide a proper and sufficient quantity of fuel, for supplying the fires aforesaid; and also a sufficient quantity of candles of a proper size and quality, for the use of the General Court, Government furnishing the said Messenger, from time to time, with money for the same. To

To attend the members of either House, when they are charged with messages to the other House, introducing them respectively in the usual manner.

To serve all such processes, and perform all such duties as the Messenger of the House or Door-keeper is obliged to serve and perform, by virtue of the laws of this Commonwealth, that have respect unto the said office; particularly by an act passed in the year of our Lord sixteen hundred ninety four, intituled "An act for ascertaining the fees of the Messenger, attending the House of Representatives." And by another act, passed in the year seventeen hundred forty-two, intituled "An act to prevent incumbrances about the doors of the Court-House in *Boston*." And by another act passed in the year seventeen hundred forty-nine, intituled, "An act to prevent the disturbance given the General Court by the passing of coaches, chaises, carts, trucks and other carriages, by the Province Court-House;" and to do and perform all such other services, as have been heretofore considered as duties incident to the said office of Messenger of the General Court, except that of carrying papers to the Governour and Council.

And it is further *Resolved*, That *eighty pounds* per annum be allowed to the person who may be chosen Messenger of the General Court, for performing the services assigned him in this resolve.

LV.

Resolve on the petition of *David Little* and *James Briggs*, jun. authorizing them to make sale of the real estate mentioned. *March 1*, 1786.

On the petition of *David Little* and *James Briggs*, jun. administrators on the estate of *Nathaniel Waterman*, late of *Scituate*, deceased, praying for liberty to sell part of the real estate of the said *Nathaniel Waterman*, for the payment of his just debts.

Resolved, That *David Little* and *James Briggs*, jun. administrators on the estate of *Nathaniel Waterman*, late of *Scituate*, deceased, be, and they hereby are authorized and empowered to make sale of so much of the real estate of the said *Waterman*, as lies separate and distinct from the homestead, as will amount to *three hundred pounds*, for the payment of his just debts, and to make and execute good and lawful deed or deeds of the same; they observing all the rules of law, respecting the sale of real estate by administrators, and to account with the Judge of Probate for the county of *Plymouth*.

LVI.

Resolve authorizing the committee appointed *October* 1783, on the subject of the unappropriated lands in the county of *Lincoln*, to contract for any of the particular kinds of public continental securities, drawing interest, for lands that shall be sold. *March 1*, 1786.

Whereas the committee appointed by a resolve of the 28th of *October*,
1783,

1783, on the subject of the unappropriated lands in the county of *Lincoln*, are authorized in the sale of lands in the said county, belonging to this Commonwealth, to receive the consolidated notes thereof; and it being expedient that continental securities should also be received as payment for lands the said committee may hereafter sell.

Resolved, That the said committee be, and they are hereby authorized to contract for any of the particular kinds of public continental securities, drawing interest, to be paid for the lands they shall hereafter sell, as they shall conceive most conducive to the interest of the Commonwealth.

LVII.

Resolve on the petition of *Cornelius Davis*, directing the Treasurer to issue new notes to him. *March 1, 1786.*

On the petition of *Cornelius Davis*, representing that there is due to him from this Commonwealth, the sum of *thirty-eight pounds two shillings and three pence*, which sum hath been drawn on a forged order; set forth in the said petition.

Resolved, That the prayer thereof be granted, and that the Treasurer of this Commonwealth be, and he is hereby directed to issue to the said *Cornelius Davis*, a note or notes for the said sum of *thirty-eight pounds two shillings and eight pence*, in the same manner he would have done if the said notes had not been drawn by a forged order.

LVIII.

Resolve on the petition of *Joseph Williams*, Esq; and others, Feoffees of the Grammar-School in *Roxbury*, authorizing them to sell a certain piece of land—provided; &c. *March 1, 1786.*

On the petition of *Joseph Williams*, Esq; and others, Feoffees of the Grammar-School in *Roxbury*, praying for liberty to sell a piece of land of about twenty acres, lying in said *Roxbury*, for reasons set forth in said petition:

Resolved, That the prayer thereof be granted, and that the said Feoffees be, and they are hereby authorized and empowered, in their said capacity, to sell the said twenty acres of land for the most the same will fetch, and to make and execute a good deed or deeds thereof: provided, the said Feoffees shall, previous to their selling said land in manner aforesaid, give a bond to the Treasurer of the said town of *Roxbury*, to the satisfaction of the Selectmen thereof,—conditioned, that no part of the principal sum said land shall sell for, be appropriated to any other purpose, than that of being vested again in real estate; and that the same shall be placed out at interest, with good security; and the interest applied to the support of the said Grammar School, until the principal shall be vested in real estate in manner aforesaid.

LIX.

Resolve on the petition of *John Croffet*, jun. directing the Treasurer to issue a note or notes, of the same tenor and date with those delivered upon a forged order. *March 1, 1786.*

On the petition of *John Croffet*, jun. a private in *Thomas Nixon's* regiment, in the late Continental army, praying for his depreciation notes; which were given out by the Treasurer, to one *Amariab Croffet*, upon a forged order:

Resolved, That the Treasurer of this Commonwealth, be, and he hereby is directed to issue a note or notes, in favour of *John Croffet*, of the same tenor and date with the notes delivered to *Amariab Croffet*, upon the forged order aforesaid.

LX.

Resolve granting a tax of *eight hundred and four pounds*, to be levied on the polls and estates in the county of *Hampshire*, to defray the charges of said county: *March 2, 1786.*

Whereas it appears to this Court, from the representation and estimate of the Justices of the Court of General Sessions of the Peace for the county of *Hampshire*, that it is necessary that the sum of *eight hundred and four pounds*, should be raised in the said county, for the purpose of defraying the charges, necessary for the administration of justice, and other county charges, within the said county: Therefore

Resolved, That there be, and hereby is granted a tax of *eight hundred and four pounds*, to be levied on the polls and estates, both real and personal, within the said county of *Hampshire*; and the clerk of the Court of General Sessions of the Peace for the said county, is hereby empowered to apportion the said sum upon the several towns within the said county, in the manner pointed out by a law of this Commonwealth, and to issue his warrants to the Assessors of the said towns, for the assessment of the same.

LXI.

Resolve on the petition of the selectmen of the town of *Winchendon*, empowering the Assessors of said town, to assess on the inhabitants and lands taken from the town of *Winchendon*, into the town of *Gardner*, their just proportion: *March 2, 1786.*

On the petition of the selectmen of the town of *Winchendon*, praying that the Assessors of the said town, may be empowered to assess on those inhabitants and lands which were taken from the town of *Winchendon* into the town of *Gardner*, their just proportion of what the town of *Winchendon* was in debt at the time of the incorporation of the town of *Gardner*:

Resolved, That the prayer of the said petition be so far granted, that the Assessors of the town of *Winchendon* be, and they hereby are empowered to

assess on those inhabitants and lands, which were taken from the town of *Winchendon* into the town of *Gardner*, the one half of their equal proportion of what the town of *Winchendon* was indebted, at the time of the incorporation of the said town of *Gardner*; for which sum no grant was then made. And the Collectors of the town of *Winchendon* for the time being, are hereby empowered to collect the same, any law to the contrary notwithstanding.

LXII.

Resolve allowing the county Treasurer's accounts for the county of *Essex*, and granting a tax of *thirteen hundred sixty-seven pounds and three pence*, to be assessed on the inhabitants of said county, to defray their charges. *March 2, 1786.*

Whereas it appears upon examination of the Treasurer's accounts for the county of *Essex*, that all the monies granted and allowed by the Court of General Sessions of the Peace for the said county, were expended for such purposes as are authorized by law: Therefore

Resolved, That the said accounts be accepted and allowed. And whereas it appears from an estimate of the Justices of the Court of General Sessions of the Peace of the said county of *Essex*, made on the first Tuesday of *December*, A. D. 1785, that the sum of *thirteen hundred sixty-seven pounds and three pence* will be necessary for defraying the charges of the said county, for one year then next ensuing: Therefore

Resolved, That there be, and hereby is granted a tax of *thirteen hundred and sixty-seven pounds and three pence*, to be apportioned and assessed on the inhabitants of the said county, and estates lying within the same, and collected, paid and applied for the use of the said county, according to the laws of the Commonwealth.

LXIII.

Resolve on the petition of *John Minkler*, directing the Treasurer to receive a sum of old continental money, for reasons set forth. *March 2, 1786.*

On the petition of *John Minkler*, of *West-Stockbridge*, setting forth that he was chosen constable of said town in the year 1780, that he collected *eighteen thousand three hundred and sixty dollars*, in continental money, for public taxes, before the 20th day of *July*, A. D. 1781, and before he had the least knowledge of any resolve of the General Court, to the contrary, and that he is now possessed of the same: Therefore

Resolved, That the prayer of the petition be granted, and that the Treasurer of the Commonwealth be, and he hereby is directed to receive of the above-named *John Minkler*, the above sum of *eighteen thousand three hundred and sixty-three dollars and one sixth of a dollar*, continental money, of the old emission, in discharge of so much of the continental tax committed

to him to collect, for the year 1780, he paying the cost of the execution lying against him.

LXIV.

Resolve on the petition of *Matthew Fairfield*, directing the Sheriff of *Essex* county to discharge him, upon certain conditions. *March* 3, 1786.

On the petition of *Matthew Fairfield*, a prisoner in the goal in *Salem*, praying that he may be allowed to pay in consolidated notes of this Commonwealth, the fine of *fifty pounds*, which by the Supreme Judicial Court in *November* last, he was sentenced to pay to the Commonwealth.

Resolved, That the prayer of the petition be so far granted, that the Sheriff of the county of *Essex* be, and he is hereby empowered and directed to discharge said *Matthew Fairfield* from said goal, upon his paying said fine, in consolidated notes of this Commonwealth, and paying costs of prosecution and prison charges; and the Treasurer of this Commonwealth is directed to receive said fine of the Sheriff of said county of *Essex*, in said notes.

LXV.

Resolve repealing a resolve of *July* 1, 1785, in favour of *Asa Narramore*, and directing the Treasurer to pay him *eighty-eight pounds five shillings and four pence*, for his wages during his captivity. *March* 3, 1786.

Whereas it appears that the resolve of the General Court of *July* 1, 1785, does not make the same provision for the payment of *Asa Narramore*, a soldier in Captain *White's* company, in Col. *Brown's* regiment of militia, belonging to this Commonwealth, engaged in the service of the United States, for the defence of the western frontiers, in the year 1780; who was taken captive near the *Mohawk* river, in the State of *New-York*, on the 19th of *October*, in the year aforesaid, and retained in captivity, until the 24th of *June*, 1784, as has been uniformly made for soldiers, in similar circumstances.

Resolved, That the aforesaid resolve be, and hereby is repealed, and the Treasurer of this Commonwealth is empowered and directed to pay the said *Asa Narramore*, *eighty-eight pounds five shillings and four pence*; in full of his wages, during the term of his captivity, being three years, eight months, and four days, in the same manner that soldiers have usually been paid for like services, the same to be charged to the United States.

LXVI.

Resolve on the petition of *Joshua Stone*, agent on the estate of *Thomas Weyer* of *Falmouth*, empowering him to sell one lot of land mentioned. *March* 3, 1786.

On the petition of *Joshua Stone*, praying that certain lands in the county of *Cumberland*, may be sold, for reasons set forth in said petition :

Resolved,

Resolved, That *Josua Stone*, agent on the estate of *Thomas Wyer*, late of *Falmouth*, in said county of *Cumberland*, an a bsentee, be, and he is hereby empowered to sell one lot of land, lying in said *Falmouth*, belonging to said *Wyer*, which was adjudged to escheat to the Commonwealth, at a Court of Common Pleas, holden at *Falmouth*, on the last Tuesday of *October*, 1782, for the most the same will fetch, and to make a deed of sale and conveyance, he observing the rules and directions of the law, for the sale of real estates by executors and administrators, and giving bonds to the Judge of Probate for the county of *Cumberland*, that the proceeds of said sale, shall be disposed of according to law.

LXVII.

Resolve on the petition of the selectmen of *Pepperelborough*, directing the Treasurer to credit said town in the next State tax, for not sending a Representative in 1783, with *ten pounds ten shillings*. *March 3, 1786*.

On the petition of the selectmen of the town of *Pepperelborough*, in behalf of said town :

Resolved, That the prayer of said petition be so far granted, that the Treasurer of this Commonwealth be, and is hereby directed to credit said town, in the next State tax, *ten pounds ten shillings*, it being one half of the fine laid on said town; for not sending a Representative in the year 1783.

LXVIII.

Resolve granting the pay of the committee on valuation. *March 3, 1786*.

Resolved, That there be paid out of the public treasury of this Commonwealth, to the several persons before-mentioned, the sums set against their respective names, for their service as members of the committee of valuation, from the 18th of *January* last, to the day of the present meeting of the General Court, being at the rate of *seven shillings and six pence*, per day, amounting in the whole, to *one hundred and one pounds five shillings*.

LXIX.

Resolve on the petition of *James Witherell*, directing the Treasurer to credit him, &c. *March 3, 1786*.

On the petition of *James Witherell* of *Lebanon*, Collector of taxes for 1779 and 1780, setting forth, that agreeable to an act, passed *March 23, 1784*, he did exhibit receipts under the hand of the late Treasurer *Gardner*, to the amount of *eight thousand seven hundred and fifty-seven pounds, ten shillings*; and also a further sum of *nine hundred and sixty-three pounds, five shillings*; all which sums are credited in the Treasurer's books, except *eight hundred and nineteen pounds, eleven shillings*,—and that by misfortune he has lost his pocket-book, and all his receipts, on his journey to *Boston*, to settle with the Treasurer.

Resolved,

Resolved, That the prayer of the petition be so far granted, that the Treasurer of the Commonwealth be, and is hereby directed to credit the said *James Witherell*, the above sum of *eight hundred nineteen pounds*, and *eleven shillings*, old Continental currency, in part of his assessment in arrear, and charge the amount against the estate of the late Treasurer deceased.

LXX.

Resolve on the petition of *James Witherell*, *Joshua Pray* and *Nathan Lord*, Collectors of *Lebanon*, and *John Woodman*, and others, inhabitants of *Shapleigh*. *March* 3, 1786.

On the petition of *James Witherell*, *Joshua Pray* and *Nathan Lord*, Collectors of *Lebanon*, and *John Woodman* and others, inhabitants of *Shapleigh*, praying that the several sums of money, that have been assessed on a part of the inhabitants of the town of *Shapleigh*, and committed to *James Witherell*, *Joshua Pray* and *Nathan Lord*, by the Assessors of *Lebanon*, may be abated to the said town of *Lebanon*, and laid on the town of *Shapleigh*, for reasons set forth in their petitions :

Resolved, That the prayer of said petitions be so far granted, that the sum of *sixty pounds five shillings*, that remains due from *James Witherell* ; of *two hundred and seventy-one pounds, seven shillings and four pence*, that remains due from *Joshua Pray* ; and the sum of *fifty-two pounds*, that remains due from *Nathan Lord*, be, and they are hereby abated, and the Treasurer of this Commonwealth is directed to credit said Collectors accordingly.

And it is further Resolved, That the Treasurer of this Commonwealth be, and he is hereby empowered and directed, to issue his warrant, directed to the Assessors of the town of *Shapleigh*, directing them to assess the sum of *three hundred and eighty-three pounds, twelve shillings and four pence*, on the inhabitants of the said town of *Shapleigh*, and make a return thereof, as soon as may be.

And it is further Resolved, In case the said Collectors, or either of them have received any part of the said taxes assessed as aforesaid, of said inhabitants, since the twentieth day of *October*, 1784, that said Collectors respectively are hereby required and directed to remit the same, to such inhabitants respectively, as soon as may, any law or resolve to the contrary notwithstanding.

LXXI.

Resolve on the petition of *Hezekiah Root*, jun. Collector of taxes in the town of *Belchertown*, directing the Treasurer to take bonds of the Selectmen of said town for the payment of the money mentioned. *March* 3, 1786.

On the petition of *Hezekiah Root*, jun. Collector of taxes from the town of *Belchertown*, for the year 1782, who is now confined in the goal in *Northampton*, praying that on certain conditions he may be discharged from his confinement.

Resolved, That the prayer of the said petition be so far granted, that the Treasurer of this Commonwealth be, and he hereby is directed to take bonds of the Selectmen of the said town of *Belchertown*, for the payment

of the money now due from said Collector, on or before the first day of *March*, 1787, on the said Collector's paying all such costs which have arisen by reason of the said commitment; and on the said Selectmen's and the said Collector's respectively complying with the terms of this resolve, the Sheriff of the county of *Hampshire*, is hereby directed to liberate the said *Root* from his confinement in the said goal.

LXXII.

Resolve on the Governour's message of the 3d of *February*, 1786, directing every officer in the revenue department, to give bonds to the Treasurer, that he will not resign his said office, in addition to the bonds required by law. *March* 3, 1786.

Whereas abrupt and sudden resignations of officers, in the revenue department, may operate to the great detriment of the public revenue; for preventing the same, be it

Resolved, That each and every officer, who may be chosen into office, in the revenue department, and shall accept of the said office, shall, in addition to the bonds already required by law, previous to entering on the duties of his office, give bonds to the Treasurer of this Commonwealth, conditioned, that he will not resign his said office, during the time for which he shall be chosen, unless three months notice be previously given in writing to the Governour for the time being, of his intention to resign the said office, and shall be held answerable for all damages that may arise to Government, in consequence of his resigning, without giving notice as aforesaid. And the Treasurer is hereby ordered and directed to require each officer, who shall be re-elected into office, in the revenue department, to renew his bonds, as required by law, for the faithful discharge of the duties of his office.

LXXIII.

Resolve on the petition of *William Ford*, empowering the Judge of Probate to appoint Commissioners on the estate of *Abel Willard*, in the county of *Worcester*. *March* 4, 1786.

On the petition of *William Ford*, praying that the Judge of Probate, for the county of *Worcester*, may be empowered to appoint other Commissioners to examine his claim against the estate of the late *Abel Willard*, of *Lancaster*, Esq; a refugee, for the reasons mentioned in his petition.

Resolved, That the Judge of Probate, for the county of *Worcester*, be, and he hereby is empowered and directed forthwith to appoint Commissioners on the estate of the said *Abel Willard*, or direct such as may be already appointed by him on the said estate, to examine the claim, and allow the demand of the said *William Ford*, against the said estate, he duly supporting the same. And the said *William Ford* is hereby intitled to receive the amount of his said debt, in the same manner as the other creditors of the said *Abel Willard*. Provided nevertheless, that if it shall appear to the said Judge of Probate, that the said *William Ford* has already received, or is intitled

titled to receive from the estate of *Abijah Willard*, any part of his said demand, that then, and in that case, the said *William Ford* shall be intitled to receive from the estate of the said *Abel Willard*, no more than the remainder of his said demand, after deducting what has been allowed him, out of the estate of the said *Abijah*.

LXXIV.

Resolve on the petition of the Trustees of *Dummer's* academy, exempting the estate, held by said Trustees, and the polls and estates of the instructors, from taxation. *March* 4, 1786.

On the petition of the Trustees of *Dummer's* academy, praying that no taxes may hereafter be assessed on their corporate estate, nor on the polls and estates of the instructors of that academy.

Resolved, that for reasons set forth in the said petition, the prayer thereof be granted, and that the estate held by the Trustees of *Dummer's* academy, in their said corporate capacity, and the polls and estates of the instructors thereof, under their own actual improvement, be, and they are hereby exempted from taxation, until the further order of the General Court. *Provided*, That the foregoing exemption shall not extend to any estate which shall produce an annual income beyond the sum of *two hundred pounds*.

LXXV.

Resolve on the memorial of the Justices of the Court of General Sessions of the Peace, within *Worcester* county, granting a tax of *five hundred pounds*, to be assessed upon the several towns, for the building a common goal. *March* 6, 1786.

On the memorial and petition of the Justices of the Court of General Sessions of the Peace, within and for the county of *Worcester*, setting forth the insufficiency of the common prison in the said county, and praying that they may be authorized to assess upon the several towns within the said county, the sum of *five hundred pounds*, for the purpose of building a goal in said county :

Resolved, That the Justices of the General Sessions of the Peace, for the county of *Worcester*, aforesaid, be and they hereby are authorized and empowered, to assess upon the several towns within the said county, the sum of *five hundred pounds*, for the purpose of building a common goal in the said county ; such assessments to be made agreeably to the law in such cases.

LXXVI.

MESSAGE from his Excellency the Governour, by the Secretary.
March 6, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I RECEIVED by the post, a letter from the Commissioners of the Treasury of the United States, dated the 22d of *February*, enclosing a statement

ment of the expenditures of the said States, under the general head of contingencies, from the first of *January* to the 31st of *December*, 1785, by which it appears, that the amount of payment of

	Dollars.	9ths.
Old debts, is	69,386	59
Pensions and annuities,	3,106	44
Grants,	19,177	51
Contingencies,	2,624	1

The total amount being 94,294 65 :—as you will observe by a copy of the said statement, authenticated by the Register ; and which is sent for your information.

I have also a letter from one of our Delegates, the honourable Mr. *King*, covering a copy of a letter directed to the Delegates of the States of *Massachusetts* and *New-York*, dated at *Philadelphia*, the 30th of *January*, from the three gentlemen appointed by Congress to ascertain, between those States, the eastern boundary line of *New-York*.

They write, that the Legislatures of the respective States must furnish them with some observations of the variation of the magnetic needle; made at the time and place mentioned in their acts relative to that line, before they the said Commissioners can be of any service, as those acts stand : and that in case there are no such observations, in possession of either of the States, which are allowed of by both, they are of opinion the matter must be referred to the Legislatures of the said States, to make such an agreement as can be executed.

They wish to know as soon as may be, whether there be any such observations, or what course the two States intend to pursue, to supply the want of them, that they may order their affairs accordingly.

This business, gentlemen, concerning which I sent you a message the 11th of *February*, requires a speedy determination. If on enquiry the requisite observations can, or cannot be found ; I would suggest to your consideration, whether it would not be proper that the same Commissioners, who on our part were lately employed to run the said dividing line, should be fully empowered (if not already so) to agree, in the best manner they can, with the agents of *New-York*, how it should be run ; in the doing of which, the Commissioners of Congress might be assisting ; and after the agreement, could immediately proceed to run the line.

By the former message, and the letter which accompanied it, you will observe those Commissioners expected, that suitable provision should be made for their accommodation, during the time they may be employed in this business : for the speedy finishing of which, and for preventing an unnecessary addition to the large sum already expended upon it, you will please, gentlemen, to take the most effectual measures.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *March* 6, 1786.

Resolve

LXXVII.

Resolve on the petition of *Ralph Cross*, Esq; and others, authorizing the Governour to commission *Stephen Sweasy* and others, as second Lieutenants in the several companies in said *Cross's* regiment. *March* 6, 1786.

On the petition of *Ralph Cross*, Esq; and others, setting forth that *Stephen Sweasy*, *Samuel Eaton*, *Wilaby Hoyt* and *Isaac Whittier*, were some time in the month of *January*, 1785, severally elected second Lieutenants in certain companies belonging to the regiment of militia in the county of *Effex*, commanded by the said *Ralph Cross*, but by reason of the returns of their elections not having been made previously to the time when the law now in force for regulating the militia of this Commonwealth was enacted, the Governour cannot, consistently with the said law, commissionate them agreeably to their elections: Therefore

Resolved, That the Governour be, and he hereby is authorized to commissionate *Stephen Sweasy*, *Samuel Eaton*, *Wilaby Hoyt* and *Isaac Whittier*, as second Lieutenants in the several companies belonging to the regiment of militia in the county of *Effex*, commanded by *Ralph Cross*, Esq; and to which they have been severally elected; the returns of their elections as aforesaid not having been made to the Governour previously to the time when the present militia-law passed, notwithstanding.

LXXVIII.

Resolve on the petition of *Joseph Henshaw*, authorizing the Justices of the Court of Common Pleas, at *Worcester*, to examine the premises, hear the parties, &c. and to recommit the award mentioned. *March* 6, 1786.

On the petition of *Joseph Henshaw*, representing, that at the Court of Common Pleas, holden at *Worcester*; within and for the county of *Worcester*, in *June* last, he had two actions pending in the said Court, in which he was plaintiff, in one of which, *Benjamin Eddy*, and in the other, *Daniel Holden* were the defendants; that said actions were referred, and referees were appointed, who made report to the said Court of Common Pleas at last *September* term, and that their awards were accepted, and judgment rendered in favour of the petitioner, as a certificate under the hands of all the referees is exhibited, shewing that the design and true intent of the said referees was not understood by the Court, which has occasioned a failure of justice:

Resolved, That the Justices of the aforesaid Court of Common Pleas, at their next sessions, to be holden at *Worcester*, within and for the county of *Worcester*, on the last Tuesday of *March* next, be, and they are hereby authorized and empowered to examine into the premises, hear the parties, and if it shall appear to be for the furtherance of justice, to recommit the aforesaid awards to the aforesaid referees, under the former rule, or to rectify any mistakes that shall appear to have taken place, in the same manner as they might have done before record had been made, and to render judgment for what

shall appear to be due, and issue execution accordingly. *Provided*, the petitioner serve the aforesaid defendants severally with an attested copy of this resolve, fourteen days at least before the said last Tuesday of *March* next.

LXXIX.

Resolve on the petition of *Nathan Thayer*, liberating him from his confinement on the judgment, on said *Thayer's* making and signing his promissory note to the Treasurer. *March* 6, 1786.

On the petition of *Nathan Thayer*, now a prisoner in the common goal in the county of *Suffolk*, on a judgment in favour of the Commonwealth, the whole sum of the debt amounting to *fifty-five pounds twelve shillings and two pence*, declaring that he hath not now any property to satisfy the same, and praying to be released from his confinement, &c.

Resolved, That on the said *Thayer's* making and signing his promissory note to *Thomas Ivers*, Esq; Treasurer, and his successor in office, for the sum of *fifty-five pounds twelve shillings and two pence*, payable on demand, with interest until paid, and delivering the same to the keeper of the said goal, and paying the costs of suit and prison charges, he be liberated from his imprisonment on the aforesaid judgment; and the keeper of the goal is hereby directed to deliver the said note to the Treasurer, and file an attested copy of this resolve in the Clerk's office, with the execution by virtue of which the said *Thayer* was committed.

LXXX.

Resolve on the petition of the Selectmen of the town of *Williamsburgh*, directing the Treasurer to credit said town, and to discount the same out of the next State tax. *March* 6, 1786.

On the petition of the Selectmen of the town of *Williamsburgh*, in behalf of said town, praying for an abatement of taxes, for reasons set forth in said petition; it appearing that said town stands charged in the valuation of 1782, for thirty polls more than they had when said valuation was taken and settled.

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed to credit said town of *Williamsburgh*, for the sum of *ninety-five pounds twelve shillings and six pence*, and discount the same out of the next State tax, to be assessed on said town.

LXXXI.

MESSAGE from his Excellency the Governour, by the Secretary.
March 7, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

I HAVE had a letter from Governour *Henry*, of *Virginia*, of the 30th of *January*: enclosing several resolutions of the assembly of that State, dated the 13th of the same month.

In one of those resolutions, the legislature of all the States in the Union, are requested to nominate Commissioners for the purpose expressed in a preceding resolution, which respects the commerce and revenue of *Virginia* and *Maryland*, particularly in regard to duties on imports and exports.

This resolution seems to have given rise to another in the House of Delegates, of the 21st of *January*, by which it appears, that eight Gentlemen therein named, or any three of them, are appointed Commissioners to meet such Commissioners as may be appointed by the other States in the Union, to take into consideration the trade of the United States, to examine the relative situation and trade of the said States, to consider how far an uniform system in their commercial regulations may be necessary to their common interest, and their permanent harmony: and to report to the several States such an act relative to this great object, as, when unanimously ratified by them, will enable Congress effectually to provide for the same: and that the said Commissioners shall immediately transmit to the several States, copies of this resolution, with a circular letter requesting their concurrence therein; and proposing a time and place for the meeting aforesaid.

Though the circular letter has not yet been received, there is by another way, satisfactory evidence, that the last mentioned resolution has been past by the House of Delegates of *Virginia*.

It is a very happy circumstance, that the Delegates of *Virginia* have adopted this mode of communication between the several States; which, having for its object their relative situation and trade, whereby it may be determined how far an uniform commercial system may be necessary to their common interest, will probably be productive of some agreement, that may be greatly beneficial to the whole: particularly by effecting the establishment of such regulations of commerce, as may serve to counterwork the regulations of any foreign power, calculated to prejudice the commerce of the United States.

As so fair an opportunity offers for effecting the important purpose, intended to be effected by our late acts, for regulating navigation and commerce, there can be no room, Gentlemen, to doubt of your readiness to concur with the proposal of the legislature of *Virginia*: by appointing Commissioners for the purposes expressed in the resolutions aforesaid.

If the Gentlemen appointed agents in behalf of this Commonwealth, to conduct and prosecute our claims to lands, controverted by *New-York*, and lying to the westward of that State, should be called to attend upon the Court specially instituted for settling those claims, and at a time convenient for meeting the *Virginia* Commissioners, it might in several views be beneficial to the Commonwealth to appoint them Commissioners for that purpose.

J. A. M. E. S. B. O. W. D. O. I. N.

COUNCIL-CHAMBER, *March* 7, 1786.

LXXXII.

Resolve on the petition of *Oliver Holman*, directing the Sheriff of *Worcester* county to liberate him from goal, on bonds being given for the sum of one hundred seventy-nine pounds and seven pence half penny. *March* 17, 1786.

On

On the petition of *Oliver Holman*, Collector of taxes, a prisoner in the goal at *Worcester*, representing his inability to pay the sum for which he is committed, and praying relief, for reasons set forth in said petition :

Resolved, that the Sheriff of the county of *Worcester* be, and he is hereby directed to receive bonds from the Selectmen of the town of *Atbol*, to the Treasurer of this Commonwealth, conditioned for the payment of *one hundred and seventy-nine pounds and seven pence half penny*, in such proportions of certificates, new emission money and specie, as are required in the several taxes, in the collection and payment of which, the said *Holman* has been delinquent, within six months from the date of this resolve ; and on the receipt thereof, and of the costs, to liberate the said *Oliver Holman* from his confinement.

LXXXIII.

Resolve on the petition of *Thomas Brattle*, Esq; authorizing the Judge of Probate, of *Middlesex*, to appoint Commissioners to examine the claims against *David Phipps's* estate. *March 7*, 1786.

On the petition of *Thomas Brattle*, Esq; praying his claim against the estate of *David Phipps*, Esq; may be examined and allowed :

Resolved, That the Judge of Probate for the county of *Middlesex* be, and he is hereby authorized (at the expence of the petitioner) to appoint Commissioners to examine the claims of *Thomas Brattle*, Esq; to the estate of *David Phipps*, Esq; late of *Cambridge*, an absentee, and to certify the same to the Governour, if any balance shall be found due to said *Brattle*.

LXXXIV.

Resolve on the petition of the Selectmen of the town of *Framingham*, empowering *James Meller* to collect taxes in the room of *Thomas Bent*. *March 7*, 1786.

On the petition of the Selectmen of the town of *Framingham*, praying that *James Meller* may be authorized and empowered to collect taxes in the room of *Thomas Bent*, for reasons set forth in the petition :

Resolved, That the said *James Meller* be, and he hereby is empowered to demand of all persons from whom any sum or sums of money may be due on any taxes committed to him by the Assessors of said town of *Framingham* to collect, whatever may be due from them respectively : and the said *James Meller* being chosen to said office by the inhabitants of the town aforesaid, shall on his taking the oath of said office, be vested with all the powers, and subject to all the penalties, as other Collectors are by law within this Commonwealth ; and his election shall be deemed equally valid as it would have been, had he been chosen in the month of *March*.

LXXXV.

Resolve on the petition of the Selectmen of the town of *Hancock*, directing the Treasurer to credit said town for a certain fine laid on said town. *March 17*, 1786.

On the petition of the Selectmen of the town of *Hancock*, praying that said town may be released from a fine of *two hundred and twenty-two pounds five shillings*, laid on that town, for not raising three men to reinforce the Continental army, agreeable to the directions of the General Court, in the year 1782, on account of their peculiar situation, and for reasons set forth in their petition :

Resolved, That the prayer of the petition be granted, and that the Treasurer of this Commonwealth be, and he is hereby directed, to credit the said town of *Hancock*, *two hundred and twenty-two pounds, five shillings*, it being the fine laid on said town as aforesaid.

LXXXVI.

Resolve directing the Treasurer to discharge *John Sherman*, one of the Collectors of taxes for the town of *Rochester*, for 1759, from the sum mentioned. *March 7, 1786.*

Whereas it appears to this Court, that *John Sherman*, one of the Collectors of taxes for the town of *Rochester*, for the year 1759, stands charged in the treasury of this Commonwealth, with a balance of the sum of *four pounds, thirteen shillings and one penny*, which in consequence of a special order of the General Court, passed in the year 1760, the said *John* has not power to collect :

Resolved, That the Treasurer be, and he is hereby directed to discharge the said *John Sherman* from the aforesaid sum of *four pounds, thirteen shillings and one penny*, it being the balance due from said *Sherman*.

LXXXVII.

Resolve on the petition of *Josiah Reed*, in behalf of the town of *Douglafs*, directing the Treasurer to credit said town the average price of a man. *March 7, 1786.*

On the petition of *Josiah Reed*, in behalf of the town of *Douglafs*, setting forth that said town was fined for the deficiency of one man, to serve as a soldier for three years, agreeably to a resolve of *December* the second, seventeen hundred and eighty, and praying that said fine may be abated.—Whereas it appears by a certificate from the Secretary, that the town of *Douglafs*, did procure all the men required of them by the resolve aforesaid :

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed to credit the town of *Douglafs*, the sum of *two hundred and fourteen pounds, two shillings and six pence*, upon the tax of *March*, seventeen hundred and eighty-three, which is the fine and average price of one man, required by a resolve of the second of *December*, seventeen hundred and eighty.

LXXXVIII.

Resolve on the petition of the selectmen of the town of *Sanford*, granting *one hundred and twenty pounds*, in case said town has paid in said tax mentioned, or if not paid, the Treasurer is directed to credit said town. *March 7, 1786.*

On the petition of the selectmen of the town of *Sandford*, representing that in compliance with a resolve of the General Court of the 30th of *June*, 1781, said town procured six men to serve three months, and paid their bounties and milage, which six men actually said town was assessed marched and served the aforesaid term of three months, notwithstanding the for the fines and average price, *one hundred and twenty pounds*, for the deficiency of said six men, in the tax granted in the year 1783 :

Resolved, That there be allowed and paid out of the treasury of this Commonwealth to *Caleb Emery*, one of the petitioners, for the use of said town of *Sanford*, *one hundred and twenty pounds*, if said town has paid in said tax to the said treasury ; but if the same has not been paid, the Treasurer of this Commonwealth, is hereby directed to credit said town for the aforesaid sum, of *one hundred and twenty pounds*, in full compensation therefor.

LXXXIX.

Resolve on the petition of *Jonathan Philbrick*, *John Sanbern* and others, holding the inhabitants of the plantation, lately known by the name of *Pearfontown*, now incorporated by the name of *Standish*, to pay a sum of money in discharge of several taxes laid upon said plantation ; the petitioners to take the oath required to qualify them as Assessors and Collectors, and directing them to assess the said sum mentioned. *March* 8, 1786.

On the petition of *Jonathan Philbrick* and others, shewing that they were by the Court of General Sessions of the Peace for the county of *Cumberland*, appointed Assessors and Collectors of taxes for the plantation called *Pearfontown* ; and were severally notified by one of the Justices of the Peace for the same county, to appear before him, to take the oath to qualify them for the aforesaid offices of Assessors and Collectors ; that they the petitioners are much embarrassed, finding that if they should take the oaths aforesaid, it would be their duty to assess and collect all the taxes that have been ordered to be assessed on the aforesaid plantation, ever since their first settlement (being more than twenty years) which the petitioners apprehend will be impracticable for them to execute with any tolerable degree of equity, and that the whole amount will be much beyond the ability of the inhabitants to pay, and praying the consideration of this Court :

Resolved, That the inhabitants of the said plantation, lately known by the name of *Pearfontown*, now incorporated into a town by the name of *Standish*, be held to pay the sum of *five hundred pounds* only, in discharge of the whole of the several taxes laid upon the said plantation previous to their incorporation aforesaid.

And be it further *Resolved*, That the aforesaid petitioners, after severally taking the oath required by law to qualify them for their respective offices of Assessors or Collectors, as aforesaid, shall be excused from paying the whole or any part of the penalty, which by law they were subjected to, by neglecting to take the oaths of their respective offices, when required there-to ; provided they shall take such oath respectively, on or before the 15th day of *April* next, any law to the contrary notwithstanding.

And

And be it further *Resolved*, That the aforefaid Affeffors be, and they hereby are directed to affefs the aforefaid fum of *five hundred pounds*, on the polls and eftates of the inhabitants of the faid town of *Standifh*, agreeably to the rules and direftions in the laft tax-aft made and provided; and the fame affeffment commit to a Collector or Collectors for the town aforefaid, and certify to the Treafurer of this Commonwealth their doings, and the fum or fums fo affeffed and committed to a Collector or Collectors, on or before the laft day of *May* next.

XC.

Resolve on the petition of *Richard Squire* and *John Matthews*, authorizing the Juftices of the Court appointed for the trial of piracies and felonies on the high feas, to fentence faid convicts to hard labour, and not to pafs fentence of death. *March 8, 1786.*

On the petition of *Richard Squire* and *John Matthews*, fetting forth that they have been convicted before the Court appointed for the trial of piracies and felonies on the high feas, in the county of *Effex*, of felony and robbery on the high feas, for which crimes fentence has not been paffed againft them; and praying that they may be fentenced to hard labour for any term of time which to the Juftices of the faid Court may feem reasonable:

Resolved, That the Juftices of the Court appointed for the trial of piracies and felonies on the high feas, be, and they hereby are authorized and empowered to fentence the faid *Squire* and *Matthews* for the offence aforefaid, for which they are convicted as aforefaid, to hard labour, for any term of time which to the faid Juftices may feem reasonable; and not to pafs fentence of death againft them. *Provided*, the faid *Squire* and *Matthews* fhall wave all exceptions to the faid verdict, and all other exceptions to the proceedings already had againft them, and comply with fuch further requifitions as the faid Court may think neceffary, to render the judgment and proceedings in faid caufe regular and legal.

XCI.

Resolve making certain alterations in the valuation in confequence of fundry acts, fetting off perfons from one town and annexing them to others, and directing the Secretary to caufe the feveral county books containing the eftimates, with the report of the valuation committee, to be bound in one volume, and to caufe the new draught, with the alteration, to be printed with the resolves of Court. *March 10, 1786.*

Whereas the alterations hereafter named are found neceffary to be made in the valuation, in confequence of fundry acts, fetting off one or more perfons from one town, and annexing them to other towns:

Ordered

	£.	s.	d.
<i>Ordered</i> , That there be deducted from the town of } <i>Ipswich</i> , and added to the town of <i>Rowley</i> ,	0	1	6 $\frac{1}{2}$
Deducted from the town of <i>Conway</i> and added to <i>Gosfen</i> ,	0	0	8
Deducted from the town of <i>Westminster</i> , £.	0	7	9 $\frac{1}{2}$
Deducted from the town of <i>Templeton</i> ,	0	0	1 $\frac{1}{2}$
Deducted from the town of <i>Winchendon</i> ,	0	4	8 $\frac{1}{2}$
Deducted from the town of <i>Asburnham</i> ,	0	2	4 $\frac{1}{2}$
<hr/>			
Placed to the town of <i>Gardner</i> ,	0	14	11 $\frac{3}{4}$
Deducted from the town of <i>Framingham</i> , and added to } <i>Southborough</i> ,	0	1	3
Deducted from the town of <i>Shrewsbury</i> , and placed to } the town of <i>Boylston</i> ,	2	13	9 $\frac{3}{4}$

And it is further *Ordered*, That the Secretary be, and he hereby is directed to cause the several county books which contain the estimates of the property returned from the several towns, districts and plantations in this Commonwealth, with the report of the committee of valuation, and the new draft, which (together with this order) determines the sum each town, district and plantation shall pay to a *thousand pounds*, to be bound in one volume, and lodged in the Secretary's office. And the Secretary is further directed to cause the said new draft, with the alteration aforesaid, to be printed with the resolves of the General Court.

XCII.

MESSAGE from his Excellency the Governour, by the Secretary. *March 10, 1786.*

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

BY a letter from the Secretary of Congress, accompanied with a state of the representation in Congress for the month of *February*, it appears there have been but eight States represented, and for a small part only of that month. The letter mentions, that by this and the three other statements transmitted since the meeting of Congress on the first Monday in *November* last, it will be seen that there has not been for a single day a number of States assembled, sufficient to proceed on the great business of the Union; indeed for half the time, not a number sufficient to do more than adjourn from day to day.

This want of a compleat representation, must be productive of great evils to the Union, if the deficient States continue to neglect their duty with regard to delegation. It will afford us some degree of satisfaction to reflect, that those evils, if they should come upon the Union, will not be chargeable to any such deficiency on the part of this Commonwealth:

I have received another letter from the Secretary of Congress, of the 28th of *February*, enclosing a resolution of Congress, passed the 7th of *June* last, recommending to the several States, to make provision for all the officers, soldiers or seamen, resident in their respective States, who have served in the army or navy of the United States, or in the militia in the service of the United

United

United States, and have been disabled in such service, so as to be incapable of military duty, or of obtaining a livelihood by labour : and the manner of making that provision, is very particularly described in the said resolution.

A copy of that resolution was transmitted by Mr. Secretary *Thomson*, with his letter of the 9th of *June* ; and they were both laid before you, accompanied with a message upon the subject, of the 20th of that month.

As the provision recommended, has not yet been made, I do, gentlemen, agreeably to the request contained in that letter, again lay this matter before you, for your consideration and determination thereon.

JAMES BOWDOIN.

COUNCIL-CHAMBER, March 10, 1786.

XCIII.

Resolve on the petition of *Ezra Sargeant*, in behalf of the town of *Malden*, directing the Treasurer to credit said town with a certain quantity of beef.
March 11, 1786.

On the petition of *Ezra Sargeant*, Esq; in behalf of the town of *Malden*, praying that the said town may be credited on an execution issued by the Treasurer of this Commonwealth, for a deficiency of beef required of said town :

Resolved, That the prayer of the said petition be granted, and that the Treasurer of this Commonwealth, be, and he is hereby directed to credit the said town of *Malden*, for two thousand three hundred and thirty-nine pounds of beef, at *four pence* per pound, amounting to *thirty-eight pounds, nineteen shillings and eight pence*, on the afore-mentioned execution.

XCIV.

Resolve on the memorial of *Hannah Thomas*, relative to the light-house on the *Gurnet*, directing the owners to certify to the Governour, the person to whom the care of the light-house is committed, and empowering the Selectmen of *Plymouth* to inspect said light-house, and repealing part of a resolve passed *July 2, 1783*. March 11, 1786.

On the memorial of *Hannah Thomas*, setting forth, that by an agreement, bearing date *November 23, 1768*, entered into with the government of the late province of *Massachusetts-Bay*, she is entitled to the exclusive privilege of keeping the light-house on the *Gurnet*, at the entrance of *Plymouth* harbour, and praying she may enjoy said privilege.

Whereas it appears to this Court, that by an agreement made between a committee of the General Court and *John Thomas*, Esq; and *Hannah* his wife, of *Kingston*, and *John Thomas*, of *Plymouth*, all in the late province of *Massachusetts-Bay*, bearing date the 23d of *November, 1768*, that the offer, benefit and privileges of keeping and tending the light-house on an island called the *Gurnet*, at the entrance of *Plymouth* harbour, is reserved to the said *John, Hannah* and *John*, owners of the said island, and their heirs and assigns :

N

Resolved

Resolved, That the owner or owners of the said island, and their heirs and assigns, shall on or before the first day of *January*, every year, certify to the Governour for the time being, in writing, the name of the person to whose immediate care the said light-house shall be committed, who shall be subject to such rules relating to the keeping and tending the said light-house, as the Governour, with the advice of the Council, shall from time to time order and appoint :

Resolved, That the Selectmen of the town of *Plymouth*, or their successors in office, be, and they are hereby empowered to inspect the said light-house, and see that the same be well tended and kept, and make report thereof to the Governour, once at least in every year.

Resolved, That the resolve of the General Court, passed the 2d of *July*, 1783, so far as it relates to keeping and tending the light-house on the said island, be, and it hereby is repealed.

XCV.

Resolve exempting *James Locke*, and others, proprietors of the township of *Townsend*, from paying a certain sum mentioned in a resolve of the 17th of *March*, 1785, and extending the time for making improvements, and granting and confirming said township to certain proprietors. *March* 11, 1786.

Whereas by a resolve of the General Court, of the 17th of *March*, 1785, a township, called No. 3, surveyed by *Rufus Putnam*, Esq; A. D. 1784, was granted to certain proprietors of *Townsend*, on certain conditions, to be performed by the said proprietors, as mentioned in the said resolve; and as it appears to this Court improper to insist on a compliance with all the conditions mentioned in the said resolve : Therefore

Resolved, That the said proprietors be, and they are hereby excused and exempted from paying the sum of *eight hundred and seventy pounds*, mentioned in the said resolve, and that the time for settling and making improvements in said township No. 3, shall be, and hereby is extended to the expiration of six years from the 17th of *March* instant, and the time for transmitting evidence by each proprietor to the Secretary's office, of his being a proprietor, is hereby extended to the 17th day of *March*, 1787.

And it is further *Resolved*, That the said township, No. 3, be, and it is hereby granted and confirmed to such of the proprietors of said township of *Townsend*, and other persons interested therein, as have not heretofore received compensation for the lands lost, by running the *New-Hampshire* line, and to their heirs and assigns, with the reservations, and on the provisos and conditions expressed in the said resolve of the 17th of *March* last, except so far as relates to the payment of the money from which they are exempted, and to the time of settling and transmitting evidence to the Secretary, which is extended by this resolve.

XCVI.

MESSAGE from his Excellency the Governour, by the Secretary.
March 13, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I HAVE just received an act of Congress of the 3d instant, on the subject of their resolutions of the 30th of *April*, 1784. In those resolutions it was recommended to the legislatures of the several States, to vest Congress for fifteen years with power to prohibit goods, wares or merchandize from being imported into, or exported from any of the States, in vessels belonging to or navigated by the subjects of any power with whom these States shall not have formed treaties of commerce, and to prohibit the subjects of any foreign State, unless authorized by treaty, from importing into the United States any goods, wares or merchandize, which are not the produce or manufacture of the dominions of the sovereign whose subjects they are.

By the said act it appears, that four States, of which *Massachusetts* is one, have enacted laws conformable to these recommendations; that three other States have also complied with them, but have determined the time of commencement differently, so that there will be a difference in the duration of the power granted; that three other States have passed laws in pursuance of the recommendation, but so inconsonant to them, that they cannot be deemed compliances; and that three other States have passed no acts whatever, relative to the subject, and all the said deficient States are earnestly solicited to pass laws, exactly conformable to the aforesaid recommendations.

The letter of the Secretary of Congress, together with the said act, will be laid before you for your further information.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *March* 13, 1786.

XCVII.

Resolve on the petition of *John Calderwood* and other inhabitants of *Fox-Islands*, confirming those islands to the settlers, who settled there before the 1st day of *January*, 1784, their heirs and assigns, on certain conditions.
March 13, 1786.

Whereas it appears to this Court, from a survey and plan of certain islands laying in *Penobscot* bay, within the county of *Lincoln*, called *Fox-Islands*, taken by *Rufus Putnam*, Esq; in the year 1785, that the said islands contain in the whole, sixteen thousand, five hundred and twenty-seven acres (and that not more than one half of said islands, are of any value) whereon were seventy-two settlers, before the 1st day of *January*, 1784; and whereas *John Calderwood*, and others, settlers on the said islands, have petitioned this Court, for a grant of the same to them, their heirs and assigns: Therefore

Resolved, That all the islands belonging to and composing the division of the *Fox-Islands*, as described in the aforesaid plan, viz. bounded westerly and northerly on *Penobscot* bay,—easterly on *Fox-Island* bay (which separates

rates these islands from the *Ile of Hole* and *Deer-Island*, divisions of islands, and southerly on the *Atlantic* ocean, be and they hereby are granted and confirmed, with all the privileges and appurtenances to the same belonging, to *John Calderwood*, and the other settlers, who settled there before the 1st day of *January*, 1784, their heirs and assigns, on condition the said *John Calderwood* and others interested as aforesaid, appropriate (of good land) two hundred acres for the use of the ministry, and two hundred acres for the use of a grammar-school, and that they pay into the treasury of this Commonwealth, within one year from this date, on interest, the sum of *one hundred and eighty pounds*, in specie, for the expence of surveying the said islands, and other charges; and also the sum of *sixty-six pounds seven shillings*, in consolidated securities of this Commonwealth; provided, that where any original settler has sold, or otherwise disposed of his improvement, to any other person, the purchaser of such improvements; his heirs and assigns, shall hold the same lands, which such original settler would have held, by virtue of this resolve, if there had been no such sale or disposition.

XCVIII.

Resolve granting to *Hugh Orr*, Esq; and others, a Committee appointed by the General Court, *thirty pounds*, now in their hands, and directing said Committee to pay *one hundred forty-seven pounds fifteen shillings and ten pence*, in specie; and *two hundred and twenty-three pounds two shillings and eight pence*, in loan-office certificates. *March 13, 1786.*

Whereas it appears by the examination of the accounts of *Hugh Orr*, Esq; and others, a Committee appointed by a resolve of the General Court, to purchase certain military stores, and to perform other services relative to the same, that there is in the hands of the said Committee, a balance of *two hundred twenty-three pounds two shillings and eight pence*, in loan-office certificates; and also a further sum of *one hundred and seventy-seven pounds fifteen shillings and ten pence*, in specie, which the said Committee are ready to pay to the order of the General Court: Therefore

Resolved, That there be allowed to the said Committee, jointly, out of the specie balance now in their hands, the sum of *thirty pounds*, in full compensation for their services in executing their commission as aforesaid.

And it is further *Resolved*, That the said Committee be, and they are hereby directed to pay to the Treasurer of this Commonwealth, the aforesaid sum of *two hundred and twenty-three pounds two shillings and eight pence*, in loan-office certificates; and also the further sum of *one hundred and forty-seven pounds fifteen shillings and ten pence*, in specie, taking duplicate receipts for the same, one of which, the said Committee shall lodge in the Secretary's office; and upon so doing, the said Committee shall be fully discharged.

XCIX.

Resolve abating the plantation of *Sylvester*, in the county of *Chimberland*, all the taxes, except *one hundred and fifty pounds*, and directing the Treasurer to credit said town. *March 13, 1786.*

Whereas

Whereas the committee appointed to view the circumstances of the plantation of *Sylvester*, in the county of *Cumberland*, have reported that said plantation ought to be abated part of their taxes : Therefore

Resolved, That the plantation of *Sylvester*, in the county of *Cumberland*, be abated all the taxes with which they are now charged, except *one hundred and fifty pounds* ; and the Treaferur of this Commonwealth is hereby directed to credit the said plantation accordingly.

C.

Resolve making an allowance to *William Harris*, first Clerk in the Secretary's office. *March 13, 1786.*

On the petition of *William Harris*, first Clerk in the Secretary's office :

Resolved, That the resolve of *December* the first, 1785, so far as it respects the pay of *eight shillings* per day to the Deputy-Secretary, be, and it is hereby repealed : And it is further

Resolved, That the sum of *nine shillings* per day, be allowed and paid unto *William Harris*, from the said first day of *December*, as first Clerk in the Secretary's office, for each day employed in said business, and that the committee of accounts, in auditing the said *William's* account, govern themselves accordingly.

CI.

Resolve on the petition of *Thomas Knight*, granting him liberty to present his pay-roll for himself and men, who served in the year 1780. *March 13, 1786.*

On the petition of *Thomas Knight*, praying that the time set by an act of the General Court, passed *February* the 9th, 1785, for bringing in the claims against this Commonwealth, may be lengthened :

Resolved, That the prayer of the petition be so far granted, as that the said *Thomas Knight* have liberty to present his pay-roll for himself and the men that served under him in the year 1780, for allowance and payment, any law or resolve to the contrary notwithstanding.

CII.

Resolve on the petition of *Cyrus Fairbank*, of *Lancaster*, directing the Assessors to give notice to those persons mentioned. *March 13, 1786.*

On the petition of *Cyrus Fairbank*, of *Lancaster*, setting forth that he was appointed Agent on the estate of *Joseph Moor*, late of *Lancaster*, an absentee ; and that he hath now in his hands, certain rate-bills, which were committed to the said *Moor*, before he absented himself from this Commonwealth, whereby it appears that the sum of about *seventy pounds*, now remains uncollected by the said *Moor*, and praying for the direction of this Court, relating to the said rate-bills :

O

Resolved,

Resolved, That the petitioner forthwith lay before the Assessors of the town of *Lancaster*, for the present year, the rate-bills before-mentioned; and the said Assessors are hereby directed, forthwith to give notice to those persons whose rates are not crossed on the said bills, that they may bring proof (if any they have) of their having paid the same, or any part thereof, which if not performed to the satisfaction of the said Assessors, within twenty days after such notice is given, they shall make out a fair list of the names of the several persons, who shall appear to them have not paid the several sums assessed on them in the bills aforesaid, and of the sums set against each of their names, and deliver such new list unto the petitioner, *Cyrus Fairbank* aforesaid, who is hereby fully authorized and directed to collect all such sums of money as shall be borne on such new list, in the same manner as other Collectors are by law empowered to collect taxes; and to dispose of the same, when collected, in the manner provided by law for the disposal of absentees estates; for which service, the said *Cyrus Fairbank* shall receive such allowance as the Judge of Probate for the county of *Worcester* shall order.

CIII.

The proprietors of the plantation of *Sylvester*, in the county of *Cumberland*, to be notified to shew cause. *March 13, 1786.*

Whereas the Committee appointed to view the circumstances of the plantation of *Sylvester*, in the county of *Cumberland*, have reported that it is expedient and necessary, that said plantation should be incorporated into a town, and that the proprietors of said plantation should be required to settle more families on said plantation.

Ordered, That the proprietors of the plantation of *Sylvester*, be notified to shew cause, if any they have, on the second Wednesday of the first session of the next General Court, why said plantation should not be incorporated into a town, and why said proprietors should not be required to settle more families on said plantation.

And the Secretary of this Commonwealth is hereby directed to notify said proprietors, by publishing this order in one of the *Boston* and the *Falmouth* newspapers, three weeks successively before the said second Wednesday of the first session of the next General Court.

CIV.

Resolve on the Governour's message, of the 10th of *February, 1786*, respecting the conduct of a Mr. *Wyer*, the High-Sheriff of *Charlotte* county, in the British province of *New-Brunswick*, requesting his Excellency to procure the necessary evidence, and to transmit the same to Congress. *March 13, 1786.*

The Committee of both Houses, to whom was committed the message of his Excellency the Governour, of the 10th of *February, 1786*, respecting the conduct of a Mr. *Wyer*, the High-Sheriff of *Charlotte* county, in the British province of *New-Brunswick*, in taking and carrying off the body

of Mr. *Tuttle* (on an action of debt) from *Moose-Island*, as represented in a letter from *James Avery*, Esq; to Mr. Secretary *Avery*, dated at *Machias*, the 24th of *December* last,—have attended that service, and ask leave to report as their opinion.—That the matter complained of in the said letter, involves in it such a great national question, respecting the bounds of territory, as can only be taken up with propriety by Congress:—That therefore his Excellency the Governour, be requested to procure, as soon as possible, the evidence necessary to ascertain the facts complained of, and to transmit the same to the Delegates of this State in Congress, to be by them laid before the United States in Congress assembled, for their consideration and determination.

And with regard to the latter clause of the Governour's message, respecting the conduct of the Naval-Officers and their Deputies, the Committee are of opinion, that the difficulty mentioned in the letter from *James Avery*, Esq; Collector at *Machias*, may be prevented in future, by directing the Secretary to transmit, forthwith, to each of the Naval-Officers in that department, printed copies of the several acts and resolves, now in force, that respects the office and duty of Naval-Officers, and their Deputies, that so no plea of ignorance in their duty may for the future be made.

And whereas another message from his Excellency the Governour, dated *November 24*, 1785, (which was committed to a joint Committee at the last sitting of the General Court, but not acted upon) is now committed to the present Committee, in which his Excellency acquaints the two houses with the conduct of the afore-mentioned Sheriff, in compelling the inhabitants of *Moose-Island* to send Jurors to the county Court of *Charlotte* county, on pain of forfeiting their estates in case of refusal; and that on his representing to Mr. *Carleton*, Governour of *New-Brunswick*, the conduct of the said Sheriff, he received from the said Governour such an answer as contained an implied declaration, "that the said island, with several other islands, is, by virtue of the treaty of peace, within that Province." And that thereupon he had, by letter to our Delegates, informed Congress of those proceedings, and also sent an account of them to the minister of the United States at *London*. This Committee therefore ask leave further to report as their opinion, that the early attention and vigilance of his Excellency the Governour, in taking such prudent care that the Commonwealth should suffer no harm, is worthy the character of a virtuous and patriotic Governour, and deserves the warm approbation of the legislative body: and that his Excellency be requested to procure all such further evidence as may be thought needful to be laid before Congress, and take all such other measures as he shall think requisite, to prevent encroachments on the territorial rights and sovereignty of this Commonwealth, and of the United States.

Read and accepted.

CV.

Resolve on the petition of *Elisha Mitchell*, in behalf of *James Robertson*, granting him *twenty-one pounds and two pence*, being the sum drawn by the forged order mentioned. *March 14*, 1786.

On the petition of *Elisba Mitchell*, for and in behalf of *James Robertson*, praying for a sum of money due to said *Robertson*, for the services of his two sons in the army, and which has been drawn out of the treasury by a forged order :

Resolved, That the prayer of said petition be so far granted, that there be paid out of the treasury of this Commonwealth, in consolidated notes, to the said *James Robertson*, the sum of *twenty-one pounds and two pence*, being the sum drawn by the forged order aforesaid, and the sum due to the said *Robertson* for the services of his two sons, deceased.

CVI.

Resolve on the petition of *James Lloyd* and *Benjamin Greene*, directing the Committee to sell confiscated estates in the county of *Suffolk*, to sell any estate of *John Erving*, jun. Esq; which has been confiscated, and directing the Judge of Probate to appoint Commissioners to examine the claims of the creditors to said estate. *March 14, 1786.*

On the petition of *James Lloyd* and *Benjamin Greene*, in behalf of themselves and others, creditors to the estate of *John Erving*, jun. Esq; praying the estate of said *Erving* may be sold for the benefit of the creditors :

Resolved, That the Committee who were appointed to sell confiscated estates in the county of *Suffolk*, be, and they are hereby authorized and directed to sell any estate of the said *John Erving*, jun. Esq; which has been confiscated to the use of this Commonwealth ; said Committee to observe the rules and directions heretofore given them for the sale of confiscated estates.

And it is further *Resolved*, That the Judge of Probate for the county of *Suffolk* be, and he is hereby authorized to appoint Commissioners to examine the claims of the creditors to the estate of said *John Erving*, jun. Esq;

CVII.

Resolve requesting the Governour to transmit to the Delegates in Congress, copies of the letters passed between the Commissioners elected *June 4, 1784*, and the Commissioners on the part of *New-York*, to ascertain the boundary line in the eastern extremity of *New-York*, and appointing Agents, giving them certain authority. *March 14, 1786.*

Resolved, That his Excellency the Governour be, and he hereby is requested to transmit to the Delegates in Congress, from this State, copies of the letter which passed between the Commissioners appointed on the part of this Commonwealth, by an act of *June 4, 1784*, and the Commissioners appointed on the part of the State of *New-York*, to ascertain and run the boundary line between this Commonwealth, and the State of *New-York*, on the eastern extremity of the State of *New-York* ; and to inform the said Delegates, that it was the opinion of the said Commissioners on the part of this State, that the variation of the magnetic meridian in the year 1773, at the beginning of the line above mentioned, might be ascertained with a sufficient

sufficient degree of precision, by means of the observations and minutes made by the Commissioners appointed on the part of each of the said States, in the year 1773, which are referred to, in the letters above mentioned, and which are the only observations on the quantity of the variation of the needle, at the time and place aforesaid, in the possession of this State.

And it is further *Resolved*, that *Timothy Edwards*, *Jabuel Woodbridge*, and *Theodore Sedgwick*, Esquires, be, and they are hereby appointed Agents on the part of this Commonwealth, who, or the major part of whom, are hereby vested with all the powers with which the Commissioners on the part of this Commonwealth were vested by the act aforesaid, passed the 4th of *June*, 1784, and authority is hereby given to the said agents, or the major part of them, to furnish the said Commissioners appointed by Congress, with the documents, papers and observations, necessary to ascertain the said line, and with the assistance of the Commissioners of Congress, to agree with the Agents of the State of *New-York*, how the said line shall be run; if such agreement can be made on the principles of justice; and in case such an agreement cannot be made, it is the expectation of this Commonwealth that the Commissioners appointed by Congress to run the said line of jurisdiction, do, and they or any two of them, hereby are empowered on the part of this Commonwealth, to proceed upon, and accomplish that business, upon such principles and observations, as shall appear to them the least liable to error: and the said Agents are hereby directed to make suitable provision for the accommodation of the said Commissioners, during the time that they may be employed in the said business: and the said Agents are hereby authorized and empowered, to employ such person as they shall judge proper to attend them in the prosecution of the business beforementioned.

CVIII.

Resolve granting to *Thomas Anderson*, a pensioner, *five pounds*, annually, from the 1st of *January*, 1775, till further order. *March* 14, 1786.

On the petition of *Thomas Anderson*, of *Moulton*, in the county of *Hampshire*, praying that he may be allowed to draw his pension as set forth in his petition:

Resolved, That there be paid out of the public treasury of this Commonwealth, to the said *Thomas Anderson*, the sum of *five pounds* per year, from the 1st day of *January*, 1775, until the further order of the General Court.

CIX.

Resolve on the petition of the Selectmen of *New-Glocester*, in the county of *Cumberland*, making an abatement in their taxes, and directing the Treasurer to credit said town. *March* 14, 1786.

On the petition of the Selectmen of *New-Glocester*, in the county of *Cumberland*, praying for the abatement of taxes laid on that town, in the year 1772 and 1773, for reasons set forth in said petition.

Resolved, That the prayer of said petition be granted, and that said taxes (amounting in the whole to the sum of *thirty-five pounds seventeen shillings and three pence*) be, and hereby are abated to said town, and the Treasurer of this Commonwealth is hereby directed to credit said town accordingly, any law or resolve to the contrary notwithstanding.

CX.

Resolve on the petition of the Selectmen of the town *Berwick*, directing the Treasurer, and the Sheriff of the county of *York*, to stay their executions, and directing the Treasurer to credit said town the several sums mentioned. *March 14*, 1786.

On the petition of the Selectmen of the town of *Berwick*, representing their losses in mills, lumber, &c. in *October* last, and praying for abatement on taxes, and staying of executions against said town :

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed to credit said town on an execution issued against said town, *one hundred and fifty-five pounds six shilling*, for deficiency of beef ; and likewise *one hundred and thirty-three pounds five shillings and five pence*, on tax number three ; in the whole, *two hundred and eighty-eight pounds eleven shillings and five pence*.

And it is further *Resolved*, That executions against said town shall be stayed for the term of eight months from the passing of this resolve, and the Treasurer of this Commonwealth, and the Sheriff of the county of *York*, are directed to govern themselves accordingly ; any law or resolve to the contrary notwithstanding.

CXI.

Resolve on the petition of *William Erving*, Esq; authorizing the Judge of Probate of *Essex* county, on application, to appoint Commissioners to examine the claims of *John Erving*, Esq; on the estate of *William Brown*, Esq; an absentee. *March 15*, 1786.

On the petition of *William Erving*, Esq; praying that the Judge of Probate of Wills, &c. within and for the county of *Essex*, may be empowered to direct the Commissioners appointed to examine the claims against the estate of *William Browne*, Esq; a conspirator and absentee, again to meet and examine the claim of *John Erving*, Esq; of *Boston* :

Resolved, That the prayer of the petition be so far granted, that the said Judge be, and he hereby is authorized and empowered, on application, to appoint Commissioners to examine the claims of the said *John Erving*, Esq; on the estate of the said *William Browne*, Esq; for the term of one month from the time of their appointment, at the expence of the said *John Erving*, that he may have an opportunity to exhibit his claim within the term mentioned ; any law to the contrary notwithstanding.

Resolve

CXII.

Resolve on the petition of *Isaiab Babcock*, to notify *Thomas Gould*, and the other defendants mentioned, to shew cause, &c. *March 15, 1786.*

On the petition of *Isaiab Babcock*, praying that he may be permitted to carry up an action to the Supreme Judicial Court, which was brought by him against *Thomas Gould*, and others, he not having entered his appeal according to law notwithstanding :

Resolved, That the said *Isaiab Babcock* give notice to the said *Thomas Gould*, and the other defendants mentioned in the said petition, by leaving an attested copy of the aforesaid petition, and this order thereon, with the aforesaid *Thomas Gould*, or at his usual place of abode, in *Pittsfield*, in the county of *Berkshire*, at least thirty days previous to the second Wednesday of the next session of the General Court, that they, or either of them, may on the same Wednesday appear and shew cause, if any they have, why the prayer of said petition should not be granted, and that execution be in the mean time stayed.

CXIII.

Resolve appointing *Abner Holden* to procure an actual survey of all lands belonging to the Commonwealth, in or near the town of *Fitchburg*, and to return a plan into the Secretary's office. *March 15, 1786.*

Resolved, That Mr. *Abner Holden* be, and he is hereby appointed in behalf of this Commonwealth, to procure an actual survey of all the lands belonging to this Commonwealth, that lye in or near the town of *Fitchburg*, in the county of *Worcester* ; and he is directed to return a plan thereof into the Secretary's office, as soon as may be.

CXIV.

Resolve entitling *George Ulmer* to an annual pension, to commence the 20th of *November, 1782*, until further order. *March 15, 1786.*

On the representation of *John Lucas*, Commissary of pensioners, in behalf of Lieut. *George Ulmer* :

Resolved, That the said *George Ulmer* be, and he hereby is intitled to an annual pension, equal to one half of the pay of a Lieutenant, to commence the 20th day of *November, 1782*, and continue till the further order of the General Court, or of Congress.

CXV.

Resolve on the petition of *Isaac Parkhurst, jun.* to notify the adverse party to shew cause, &c. *March 15, 1786.*

On the petition of *Isaac Parkhurst, jun.* setting forth, that *Joseph Sprague, of Boston*, in the county of *Suffolk*, unduly obtained a judgment by default against

against him, at the Court of Common Pleas, held at said *Boston*, on the first Tuesday of *July* last, and praying that he may have liberty to re-enter the said action, and have day in Court, in the same manner: as though the same had not been defaulted, for reasons set forth in the said petition :

Resolved, That the petitioner notify the adverse party, by serving him with an attested copy of the said petition, and this resolve thereon, fourteen days before the second Wednesday of the first session of the next General Court, to shew cause on said second Wednesday of the said Court's sitting, why the prayer of the said petition should not be granted, and that execution be stayed in the mean time.

CXVI.

Resolve on the petition of *Samuel Leonard*, granting him *forty-three pounds three shillings*, in compensation for losses he sustained. *March 15*, 1786.

On the petition of *Samuel Leonard*, an assistant Commissary of purchases of beef, praying for compensation for losses he sustained, as mentioned in his petition :

Resolved, That the prayer of the said petition be so far granted, as that there be allowed and paid out of the public treasury of this Commonwealth, to the said *Samuel Leonard*, the sum of *forty-three pounds three shillings*, in full of his account.

CXVII.

Resolve on the petition of *Jesse Cowit*, directing the Treasurer to pay him the wages due to him for his services in the American army. *March 15*, 1786.

On the petition of *Jesse Cowit*, praying that he may be allowed his wages for his services in the American army, said wages being drawn by a forged order notwithstanding :

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed to pay to the said *Jesse Cowit*, the wages due to him, for his services in the American army, in the same manner as he would have done, had not said wages been heretofore paid to *Samuel Paine*, on a forged order.

CXVIII.

Resolve on the petition of *William Hudson Ballard*, empowering the Treasurer to receive of him *one hundred and ninety six pounds*, in specie notes, in part, for taxes committed to him to collect. *March 15*, 1786.

On the petition of *William Hudson Ballard* :

Resolved, That the Treasurer of this Commonwealth, be, and hereby is empowered and directed to receive from the said *William Hudson Ballard*, the sum of *one hundred ninety six pounds*, in the specie notes which he received for his wages, as a Major in the Continental army, in the year 1780, in part for the taxes committed to the said *Ballard* to collect for the town of *Almbury*.

Resolve

CXIX.

Resolve on the petition of *Giles Tolman*, directing the Treasurer to deliver notes for the same amount, tenor and date, as those issued upon a forged order. *March 16, 1786.*

On the petition of *Giles Tolman*, setting forth, that he served in the Continental army, and that his wages have been drawn for his service by a forged order.

Resolved, That the Treasurer of this Commonwealth, be, and he hereby is directed to make out and deliver to the said *Giles Tolman*, notes of the same amount, tenor and date, as if none had been issued on the forged order aforesaid, any law or resolve to the contrary notwithstanding.

CXX.

Resolve on the petition of *Joseph Chadburn*, agent for the plantation of *Little Falls*, abating *seven hundred and fifty pounds*, in part of taxes and fines laid on said plantation, since 1780, and directing the Treasurer to credit said plantation. *March 16, 1786.*

On the petition of *Joseph Chadburn*, agent for the plantation of *Little Falls*, in the county of *York*, praying that the taxes and fines laid on said plantation, might be remitted for reasons set forth in said petition.

Resolved, That the prayer of said petition be so far granted, that there be and hereby is abated to said plantation, *seven hundred and fifty pounds*, in part of taxes and fines laid on said plantation, since the year 1780; and the Treasurer of this Commonwealth is hereby directed to credit said plantation accordingly.

CXXI.

Resolve on the petition of *Daniel Gould*, directing the Treasurer to make out notes for such sums as shall appear to be due, of the same tenor and date as those delivered on a forged order. *March 16, 1786.*

On the petition of *Daniel Gould*, representing that his wages for three years as a soldier in the *Massachusetts* line of the Continental army, have been drawn by a forged order, or power of attorney, and praying for his said wages:

Resolved, That the prayer of said petition be granted, and that the Treasurer of this Commonwealth, be, and he is hereby directed to make out and deliver to said *Gould*, a note or notes for such sum or sums as may appear to have been due to him for his said services, of the same tenor and date, as though the same had not been paid on such forged order or power.

CXXII.

Resolve directing the Secretary to deliver *Mansfield Drowl*, or his attorney, certain papers accompanying a resolve of Court passed this session, leaving attested copies thereof. *March 16, 1786.*

Q

Resolved.

Resolved, That the Secretary be, and he hereby is directed to deliver to *Manasseh Divol*, or his attorney, the papers accompanying the resolve on said *Divol's* petition, passed at the present sitting of the General Court, leaving attested copies thereof.

CXXIII.

Resolve on the petition of *Samuel Trescott*, directing the Commander of the *Castle* to receive him on *Castle-Island*, and to allow him rations. *March* 16, 1786.

On the petition of *Samuel Trescott*, praying he may be permitted to reside on *Castle-Island* :

Resolved, That the Commander of the *Castle*, in *Boston* harbour, be, and he is hereby directed to receive *Samuel Trescott* (now in the alms-house in *Boston*) on *Castle-Island*, to allow him rations, and to order him to do such duty as he is able to perform.

CXXIV.

Resolve on the petition of *Ebenezer Warren*, in behalf of the town of *Foxborough*, granting *forty-nine pounds four shillings and one penny*, for abatement of the fines and allowance of the average price for one soldier. *March* 16, 1786.

On the petition of *Ebenezer Warren*, in behalf of the town of *Foxborough*, setting forth that the said town was fined for not raising six men to serve as soldiers for three months, in the year seventeen hundred eighty-one, and it appears that the town of *Foxborough* did raise one man more than they had credit for in the requisition aforesaid : and whereas they were called upon to raise four men (for the above service) more than their just proportion :

Resolved, That there be paid out of the treasury of this Commonwealth to the town of *Foxborough*, the sum of *forty-nine pounds four shillings and one penny*, in full for the abatement of the aforesaid fines, and the allowance of the average price for one soldier as aforesaid.

CXXV.

Resolve granting to the Committee on accounts *three thousand pounds*. *March* 17, 1786.

Whereas it appears to this Court that the Committee for examining and passing accounts, have accounted for the expenditure of the sum of *four thousand pounds*, granted by this Court in *February* last, and that a further sum of money is necessary to be appropriated for payment of such accounts as have been or may be allowed by the said Committee :

Therefore *Resolved*, That the said Committee be discharged from the said sum of *four thousand pounds*, and that a further sum of *three thousand pounds*

be paid out of the treasury of this Commonwealth to the aforesaid Committee for allowing and passing accounts; said Committee to be accountable for the same.

CXXVI.

Resolve on the Governour's message, authorizing the Delegates who shall actually represent this Commonwealth in Congress the current year, to join with such agents as may be appointed by the State of *New-York*, to appoint Commissioners to constitute a federal Court for the purposes mentioned in a resolve passed *November*, 1784. *March* 17, 1786.

Whereas it is necessary that some persons be specially authorized to represent this State in the appointment of a federal Court, to hear and determine a certain controversy now subsisting between this Commonwealth and the State of *New-York*, respecting a certain territory, to which that government and this make claim :

Resolved, That the Delegates who shall actually represent this Commonwealth in Congress the current year, or any two of them, be, and they hereby are authorized and empowered to join with such agent or agents as may be appointed by the State of *New-York*, to appoint Commissioners or Judges, who shall constitute a federal Court for the purposes aforesaid, as particularly mentioned in a resolve passed the eleventh day of *November*, Anno Domini, 1784.

CXXVII.

Resolve on the Governour's message, directing the Secretary to deliver to the officers and soldiers of the *Massachusetts* line of the late army, such certificates as are deposited in his hands by the agents, and directing in what manner they are to be delivered. *March* 17, 1786.

Whereas the regimental agents of the *Massachusetts* line of the late *American* army, have been directed by the Supreme Executive of this Commonwealth, pursuant to a resolve of Congress, to deposit the certificates for the arrears of pay, &c. due to the officers and soldiers of the said line, in the Secretary's office; but as no order has been taken for the distribution of the same to the individuals to whom said certificates belong :

Resolved, That the Secretary of this Commonwealth be, and he hereby is authorized and directed to deliver to the officers and soldiers of the *Massachusetts* line of the late *American* army, such certificates as are or shall be deposited in his hands by the said agents, and belong to the said officers and soldiers respectively : *Provided*, the said officers and soldiers (or in case of their decease, their legal representatives) shall make personal application for the same, or shall make application by some member of the General Court, or of the Council; and provided the discharges of the non-commissioned officers and soldiers respectively, shall at the same time be produced, or incontestible evidence that the officers or soldiers, for whose wages application is made, died in the public service.

Resolve

CXXVIII.

Resolve establishing the pay of the Council, Senate, and House of Representatives, President, Speaker, Clerks and Chaplain. *March 17, 1786.*

Resolved, That there be allowed and paid out of the public treasury, the sum of *eight shillings*, to each member of the honorable Council; and the sum of *seven shillings and six pence* to each member of the honorable Senate; and the sum of *seven shillings* to each member of the House of Representatives, for each day they have attended the Council or General Court, the present session, also the further sum of one day's pay for every ten miles distance each member lives from the place of the Court's sitting.

And it is further *Resolved*, That there be granted and paid out of the public treasury of this Commonwealth, to the Hon. *Samuel Phillips*, jun. Esq; President of the Senate, the sum of *six shillings*, per day, and to the Hon. *Artemas Ward*, Esq; Speaker of the House of Representatives, the sum of *six shillings* per day, for each day's attendance on the General Court, at their present sitting, over and above their respective pay as members thereof.

And be it further *Resolved*, That there be allowed and paid out of the public treasury of this Commonwealth, to Mr. *George Richards Minot*, Clerk of the House of Representatives; and also to Mr. *Samuel Cooper*, Clerk of the hon. Senate, the sum of *fifty-five pounds* each,—and to the Rev. *Peter Thacher*, Chaplain to the General Court, the sum of *twelve pounds*, in full for there respective services the present year.

CXXIX.

Resolve for adjourning the Court of Common Pleas for the county of *Essex*, to the second Tuesday of *April* next. *March 17, 1786.*

Whereas by reason of the public fast being appointed on the sixth day of *April* next, it will be inconvenient to have the Court of General Sessions of the Peace, and Court of Common Pleas, held at *Ipswich*, on the first Tuesday in the said month of *April*, within and for the county of *Essex* :

Resolved, That the said Court of General Sessions of the Peace, and Court of Common Pleas, by law to be held at *Ipswich*, within and for the county of *Essex*, on the first Tuesday of *April* next, shall be holden at *Ipswich* aforesaid, on the second Tuesday in the same month; and that all writs, processes and recognizances, returnable to, and all appeals made to the said Court of General Sessions of the Peace, and Court of Common Pleas, appointed by law to be holden at *Ipswich* : and all matters, causes and things that have day, or that might have been had, moved or done at, in or by the said Courts, at the time so appointed for holding the same, shall be returnable to, and may be entered, prosecuted, had, moved and done, at, in, and by the said Courts, at the time herein appointed for holding the same.— And the Secretary is hereby directed to publish this resolve in the next *Adams and Nourse's, Hall's and Mycall's* papers.

CXXX.

Resolve on the petition of *Samuel Lovering*, directing the Treasurer to make out notes of the same tenor and date as the notes drawn on the forged order mentioned. *March 17, 1786.*

On the petition of *Samuel Lovering*, representing that his son *Henry Lovering*, served as a soldier in the Continental army, and died in captivity; and that his said son's wages have been drawn by a forged order:

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed to make out and deliver to the legal representative of *Henry Lovering* aforesaid, deceased, notes of the same amount, tenor and date, as if the aforesaid notes had not been drawn by a forged order.

CXXXI.

Resolve on the petition of the Selectmen of the town of *Egremont*, directing the Treasurer to credit said town for beef, to a certain amount, and to stay his execution. *March 17, 1786.*

On the petition of the Selectmen of the town of *Egremont*, praying that the Treasurer of this Commonwealth may be directed to credit said town for two thousand and six hundred pounds of beef, it being in part of a requisition of the General Court of the 25th of *September*, Anno Domini, 1780, for which quantity they have the receipt of *William Bacon*, agent for the county of *Berkshire*, but have not been credited for the same:

Resolved, That the prayer of the petition be granted, and that the Treasurer of this Commonwealth be, and he hereby is directed to credit the town of *Egremont* for said beef, *forty-three pounds six shillings and eight pence.*

And it is further *Resolved*, That the Treasurer of this Commonwealth be, and he hereby is directed to stay his execution against said town of *Egremont* for deficiency of beef, eight months from the date hereof.

CXXXII.

Resolve on the petition of *Robert Miller*, granting him *eighteen pounds*, for his pension from the 1st of *January*, 1783, to the 1st of *January*, 1785, and authorizing *Joshua Bayley Osgood*, Esq; to receive the same. *March 17, 1786.*

On the petition of *Robert Miller*, setting forth that he lost an arm at the siege of *Louisburg*, in the year 1745, in consideration of which, a pension of *nine pounds* per annum, was granted him by this government.

Resolved, That there be paid out of the treasury of this Commonwealth, to the said *Robert Miller*, the sum of *eighteen pounds*, in full for his pension, from the first day of *January*, 1783; to the first day of *January*, 1785; and that *Joshua Bayley Osgood*, Esq; of *Biddeford*, agreeably to the prayer of the petitioner, be, and he hereby is authorized to receive the same.

CXXXIII.

Resolve on the petition of the officers, seamen, and mariners, of the armed ship *Vengeance*, lost at *Penobscot*, directing the payment of any portage bills exhibited for payment, properly attested and passed upon by the Committee on accounts. *March 17, 1786.*

On the petition of the officers, seamen, and mariners, of the armed ship *Vengeance*, lost at *Penobscot*, praying for payment of their wages, according to agreement with the Board of War.

Resolved, That whenever a portage bill of any private armed ship, lost or employed in the expedition against *Penobscot*, shall be exhibited for payment, and it shall appear, by producing the original contract made with the Board of War, that they had engaged the payment of such wages, the same shall be attested, under oath, by the Captain, or the eldest surviving officer; and it shall be examined, and passed upon by the Committee on accounts, and that there shall be duplicates of the portage bills so attested and examined, one of which to be lodged with the Treasurer, and the other with the Secretary of this Commonwealth.

And be it further *Resolved*, That the Treasurer of this Commonwealth be, and he is hereby empowered and directed to pay to the several individuals, borne on the portage bills so attested and examined, or their lawful attorneys, the several sums which shall appear to be due to them, in government securities, of the same form and tenor with those commonly called consolidated notes.

CXXXIV.

Resolve on the Governour's message, making provision for the officers, soldiers, and seamen, who have been disabled in the service of the United States, appointing *John Lucas*, Esq; to examine the claims of said persons, and directing the Secretary to record all certificates, and authorizing the Governour and Council to form such invalids as are fit for garrison duty, into corps, consisting of certain numbers, and directing the Secretary to publish this resolve, and repealing all former resolves. *March 17, 1786.*

Whereas it has been recommended to the several States by Congress, by their resolve of the 17th of *June*, 1785, to make provision for the officers, soldiers and seamen, who have been disabled in the service of the United States: Therefore

Resolved, That *John Lucas*, Esq; be, and he hereby is appointed, authorized and directed to receive and examine the claims of all persons, both officers, soldiers and seamen, resident in this Commonwealth, who have served in the army or navy of the United States, or in the militia in the service of the United States, and have been disabled in the said service, and shall produce a certificate from the commanding officer, or surgeon of the regiment, ship, corps or company in which they respectively served; or from a physician

fician or surgeon of a military hospital, or other good and sufficient testimony, setting forth his disability, and that he was thus disabled while in the service aforesaid; and if it shall appear to the said *Lucas*, that the person producing a certificate or testimony as aforesaid, is an invalid in fact, then he shall give to such person a certificate, in which shall be expressed his age and disability, also the regiment, company, corps, or ship to which he belonged, and the pay to which he is entitled, agreeably to the resolve of Congress, of June 7th, 1785, to the directions of which he is directed strictly to conform; and he shall transmit a copy of such certificate to the Secretary of this Commonwealth.

And be it further *Resolved*, That the Secretary be, and hereby is directed, to record all such certificates as shall be transmitted to him as aforesaid, in a book, to be kept for that purpose; and shall, within one year from the passing this act, make and transmit to the office of the Secretary at War, a complete descriptive list of all persons certified as aforesaid.

And be it further *Resolved*, That the Governour with the advice of Council be, and he hereby is duly authorized to form such invalids as are fit for garrison duty, into corps, consisting of such numbers as they shall judge most convenient, to do duty in such place within this Commonwealth, as the Governour and Council shall from time to time order.

And be it further *Resolved*, That all invalids, under the aforesaid description, as well those who shall be formed into corps, as those who shall not, shall annually apply themselves to some Justice of the Peace, of the same county in which they reside, or may be stationed, and presenting the aforesaid certificate, shall take the following oath, viz.

You A. B. do swear that you was examined by _____ and obtained of him the certificate by you now presented, that the same was by him signed, (or countersigned, as the case may be) and that you now live in _____

And such Justice shall make a certificate in the form following:

ff. On the _____ day of _____ A. B. came before me _____ one of the Justices of the Peace, for the said county of _____ in the State of *Massachusetts*, and made oath that he was examined by _____ appointed by the Commonwealth of *Massachusetts*, for that purpose, and obtained a certificate (or had his certificate examined and countersigned) setting forth that he had served in _____ that he was disabled by _____ and that he now lives in the _____ and in the county of _____ Justice of Peace.

Which certificate said Justice shall deliver to the person making oath as aforesaid; and he shall transmit a copy thereof to the Secretary of the said Commonwealth, to be by him recorded; and the Secretary is hereby directed to make out a complete descriptive list of all pensioners inrolled and recorded as aforesaid, and the same annually transmit to the office of the Secretary at War, and shall annually transmit a like list to the Treasurer of this Commonwealth.

And it is further *Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to the individuals, the several sums affixed to their names respectively, on such rolls, out of such monies as shall be appropriated for that purpose; the same to be charged to the United States,

States, provided they shall personally apply for the same, and produce a certificate from a Justice of the Peace, as aforesaid; or shall send such certificate, accompanied with an order for the payment of such pension, by the hand of some member of the General Court, or of the Council.

And be it further *Resolved*, That all the resolves heretofore made and passed, providing for the officers, soldiers, and seamen, who have been disabled in the service of the United States, or in the militia in the service of the United States, be, and hereby are so far repealed, that no officer, soldier, or seaman, of the above description, shall be intitled to receive any pension, in consequence of the said resolves, that shall become due after the passing this resolve.

Ordered, That the Secretary cause the aforesaid resolve, to be published in *Adams and Nourse's*, the *Worcester, Springfield, Plymouth and Falmouth* newspapers, three weeks successively.

CXXXV.

Resolve on the petition of *Thomas Gardner*, exempting him from paying ministerial taxes to the south precinct in the town of *Cambridge*. *March* 17, 1786.

On the petition of *Thomas Gardner*, praying that he, with the lands he possesses, may be considered as belonging to the first parish in the town of *Cambridge*; for reasons mentioned in his petition:

Resolved, That the prayer of the said petition be so far granted, that the estate now in possession of the said *Thomas Gardner*, that descended to him from his father, be, and hereby is exempted from paying any ministerial taxes to the south precinct in the town of *Cambridge*; during the continuance of the natural life of his mother, *Joanna Gardner*, any law to the contrary notwithstanding.

CXXXVI.

Resolve on the petition of *Elizabeth Ross*, empowering the Judge of Probate in the county of *Cumberland*, to allow a further time to the Commissioners on the estate of *Edward Milliken*. *March* 20, 1786.

On the petition of *Elizabeth Ross*, praying that a further time may be allowed to the Commissioners on the estate of *Edward Milliken*, late of *Scarborough*, deceased, to receive and examine the claims of the creditors upon said estate:

Resolved, That the Judge of Probate for the county of *Cumberland*, be, and he hereby is empowered, to allow such further time to the Commissioners on the estate of *Edward Milliken*, late of *Scarborough*, deceased, to receive and examine the claims of the creditors to said estate, as he may judge necessary.

CXXXVII.

Resolve on the petition of *John Morey*, directing the Treasurer to receive certain paper bills, to the amount of *ten pounds* in specie, and credit him with the same. *March* 20, 1786.

On the petition of *John Morey*, praying that he may have liberty to pay into the treasury a certain sum of the old emission of paper currency, amounting to *ten pounds* in specie, for reasons set forth in his petition :

Resolved, That the Treasurer be, and he is hereby directed to receive of the said *John Morey*, certain paper bills to the amount of *ten pounds* in specie, and credit the said *John Morey* therefor.

CXXXVIII.

Resolve entitling *Malachi Barrows*, to one fourth part of pay as a soldier, from the 21st of *February*, 1780, till further order. *March 20, 1786.*

On the representation of *John Lucas*, Esq; Commissary of Pensioners, in behalf of *Malachi Barrows*, a soldier, who was wounded while in the service of the United States :

Resolved, That the said *Malachi Barrows*, be entitled to one fourth part of pay as a soldier, from the twenty-first day of *February*, one thousand seven hundred and eighty, till the further order of the General Court or Congress.

CXXXIX.

Resolve on the petition of *Samuel Curtis*, Esq; in behalf of the town of *Worcester*, respecting the removal of cannon from the town of *Gloucester*. *March 20, 1786.*

On the petition of *Samuel Curtis*, in behalf of the town of *Worcester* :

Resolved, That the Commissary-General be, and he is hereby directed to cause to be delivered, at the town of *Worcester*, to the Selectmen of the said town, the two iron cannon, which were removed from thence to *Gloucester*, in the year 1775, with carriages and apparatus, in as good order as when received from *Worcester*.

CXL.

Resolve on the petition of *Anthony Waterman* and others, authorizing *Zebedee Simonds* and others, to give and execute a good deed of the real estate mentioned. *March 20, 1786.*

On the petition of *Anthony Waterman* and others, praying *Zebedee Simonds* and *Marcy Waterman*, guardians to the heirs of *Nathaniel* and *Abijah Waterman*, deceased, may be authorized to give deeds of certain lands, as set forth in the said petition :

Resolved, That the prayer of the said petition be granted, and that *Zebedee Simonds* and *Marcy Waterman*, guardians to the minors, children of the said *Nathaniel Waterman* and *Abijah Waterman*, deceased, be, and they hereby are authorized and empowered, to give and execute a good and sufficient deed or deeds of conveyance to *Asa Waterman* and *John Waterman*, of the two twelfth parts of the real estate, lately belonging to *Nathaniel Waterman* and *Abijah Waterman*, deceased, which were bequeathed to them,

by the last will and testament of their father *Thomas Waterman*, deceased ; and also to sell and convey to the said *Asa* and *John Waterman*, by a good and lawful deed or deeds, the two eighth parts of the real estate of *Thomas Waterman*, the son, deceased, intestate, which, on his decease, fell one eighth part to *Nathaniel Waterman*, since deceased ; and the other eighth to the heirs of *Abijah Waterman*, deceased ; the said *Asa* and *John* paying therefor, to the said *Zebedee Simonds* and *Marcy Waterman*, the full sum at which the said two eighths were apprizd ; they, the said *Zebedee* and *Marcy*, first giving bond, with sufficient surety, to the Judge of Probate for the county of *Plymouth*, that the money, which shall arise from the sale of the two eighth parts of the estate aforesaid, shall be appropriated to the sole use and benefit of the minors aforesaid.

CXLI.

Resolve on the petition of *Gilbert Dench*, empowering him to re-enter an action for the reasons set forth. *March 20*, 1786.

Whereas it appears to the General Court, that at the Court of Common Pleas, holden at *Northampton*, within and for the county of *Hampshire*, on the last Tuesday of *August* last past, *Thomas L. Whitbeck* recovered judgment against *Gilbert Dench*, on a note of hand given by the said *Dench* to the said *Whitbeck*, for forty bushels of salt ; and it appearing reasonable, that there should be a trial of the action aforesaid, for reasons set forth in the petition :

Therefore,

Resolved, That the said *Gilbert Dench* be, and he hereby is empowered, to re-enter the said action at the Court of Common Pleas, next to be holden at *Springfield*, within and for the same county, on the third Tuesday of *May* next ; and the said Court are hereby authorized and directed to proceed thereon according to law and the rules of the said Court, in the same manner as if the said action had been regularly continued in said Court, he the said *Dench* serving the said *Whitbeck*, or *Samuel Fowler*, Esq; attorney to said *Whitbeck*, with an attested copy of this resolve, twenty days at least before the same Court, and that the execution on the said judgment be stayed in the mean time.

CXLI.

Resolve on the petition of *James Hughes*, empowering the Judge of Probate of *Essex* county, to examine the claims mentioned. *March 20*, 1786.

On the petition of *James Hughes*, administrator on the estate of *Peter Hughes*, late of *Boston*, deceased, praying that the Judge of Probate for the county of *Essex*, might be empowered to direct the Commissioners on the estate of *Jeremiah Lee*, Esq; late of *Marblehead*, to receive, examine and allow the claims of the said petitioners, so far as they may appear just.

Resolved, That the Judge of Probate for the county of *Essex*, be, and he hereby is empowered and directed to authorize the said Commissioners on the estate of the said *Jeremiah Lee*, Esq; to receive and examine such claims

as

as the said *James Hugbes*, administrator as aforesaid, may exhibit against the said estate, in the same manner as if they had been timely presented therefor, and to allow the said Commissioners such further time for that purpose, as he shall judge necessary.

CXLIII.

Resolve on the petition of *Prince Tobey*, in behalf of the town of *Conway*, directing the Treasurer to credit said town in the tax granted in 1783, for the deficiency of one three months man. *March 20*, 1786.

On the petition of *Prince Tobey*, in behalf of the town of *Conway*, praying for the abatement of a fine laid on said town for the deficiency of one three months man, which it now appears said town of *Conway* did actually procure :

Resolved, That the prayer of the petition be granted, and the Treasurer of this Commonwealth is hereby directed to credit the town of *Conway* the sum of *seven pounds and seven pence*, in the State tax granted in *March 1783*, it being the fine for the deficiency of one three months man, any resolve to the contrary notwithstanding.

CXLIV.

Resolve respecting fire arms, delivered to Major *Isley* and General *Prebble*, to notify the town of *Falmouth* to shew cause why they should not account and pay for said arms, and directing the Secretary to cause the Selectmen of said town to be served with a copy of this order. *March 20*, 1786.

Whereas the Committee appointed to make inquiry concerning forty seven fire arms supposed to have been delivered to Major *Daniel Isley* ; and thirty three delivered the Honourable *Jedediah Prebble*, have reported that neither the said *Daniel Isley*, nor the administrators of the said *Prebble* are accountable for said fire arms ; but that it appears most probable, that the town of *Falmouth* had the benefit of the forty seven fire arms supposed to have been delivered to the said *Isley* :

Ordered, That the town of *Falmouth* be notified to shew cause, if any they have, why they should not account and pay for said forty seven fire arms, on the second Wednesday of the next session of the General Court.

And the Secretary of this Commonwealth is hereby directed to cause the Selectmen of the town of *Falmouth* to be served with a copy of this order, fifteen days before the said second Wednesday of the next session of the General Court.

CXLV.

MESSAGE from his Excellency the Governour, by the Secretary, Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

BY a message of the seventh instant, I informed you of a resolution of the House of Delegates of *Virginia*, proposing a convention of Commissioners from the several States in the Union, for the purpose of framing and adopting an uniform system of commercial regulations throughout all the States ; and that

that, although an official account of it had not then been received, there was satisfactory evidence it had been passed.

I am now to acquaint you, gentlemen, that I have just had letters, dated at *Richmond in Virginia*, the 23d of *February*, from Governour *Henry*, and from Mr. *Randolph*, the Chairman of the Commissioners on the part of that State, enclosing an authenticated copy of that resolution agreed to by the Senate, and appointing the convention to be held the first Monday in *September* next, at the city of *Annapolis*, in the State of *Maryland*.

As the result of this proposal may be the establishment of an uniform permanent system of commercial regulations through all the States, which may promote and secure the interest of the whole, and more firmly cement the Union; you will permit me, gentlemen, to recommend with great earnestness, a compliance with the proposal.

COUNCIL-CHAMBER, *March* 20, 1786.

CXLVI.

Resolve granting to Dr. *John Warren*, three hundred pounds, for visits, medicine and attendance to the poor of the Commonwealth. *March* 20, 1786.

On the petition of Doctor *John Warren*, praying he may be allowed the sum of eight hundred fifty-eight pounds, three shillings and four pence, for visits, medicine and attendance to the poor of this Commonwealth, in the town of *Boston*, from *May* 2, 1782, to *May* 7th, 1783:

Resolved, That the prayer of the said petition be so far granted, that there be allowed and paid out of the treasury of this Commonwealth, to the said petitioner, the sum of three hundred pounds, in full of his account, exhibited for visits, medicine and attendance, to the poor of this Commonwealth, in the town of *Boston*, from *May* 2d, 1782, to *May* 7th, 1783.

CXLVII.

Resolve on the petition of *Joseph Wright*, discharging him from an execution. *March* 21, 1786.

On the petition of *Joseph Wright*, praying to be discharged from an execution for the sum of fifty pounds, in favour of the Collector of impost and excise in the county of *Berkshire*, for reasons stated in his petition.

Resolved, That the prayer of said petition be granted, and that the excisemaster aforesaid be, and he hereby is directed and required to discharge said execution, and deliver the said *Joseph* the note given for the payment of said execution, he the said *Joseph* paying all legal costs which have arisen in consequence thereof.

CXLVIII.

Resolve for repealing a resolve in favour of *Thomas Gardner*, and exempting his poll or polls, and real and personal estate, from paying ministerial taxes to the south precinct in *Cambridge*, during a certain time. *March* 21, 1786.

Whereas

Whereas the General Court on the seventeenth instant, passed a resolve, exempting *Thomas Gardner* from paying any ministerial taxes to the south parish in the town of *Cambridge*; and the said resolve does not answer the purposes intended: Therefore

Resolved, That the said resolve be, and it is hereby repealed.

And it is further *Resolved*, That the said *Thomas Gardner* be, and he is hereby exempted, with his poll or polls, and real and personal estate, from paying any ministerial taxes to the south precinct in the town of *Cambridge*, during the continuance of the natural life of his mother, *Joanna Gardner*, any law to the contrary notwithstanding.

CXLIX.

Resolve on the petition of *Charles Goodrich*, Esq; in behalf of the town of *Pittsfield*, directing the Treasurer to credit said town with eighteen hundred pounds of beef, amounting to *thirty pounds*. *March 21, 1786.*

On the petition of *Charles Goodrich*, Esq; in behalf of the town of *Pittsfield*, praying for reasons set forth in said petition, that said town may be credited for eighteen hundred pounds of beef. And whereas it appears to this Court, that said town did deliver said beef, but have not been credited for the same:

Resolved, That the prayer of the petition be granted, and that the Treasurer of this Commonwealth, be, and hereby is directed to credit said town of *Pittsfield*, for eighteen hundred pounds of beef, amounting to the sum of *thirty pounds*, being part of what was required of them by a resolve of the General Court, passed the 22d day of *December, 1780.*

CL.

Resolve on the petition of the Selectmen of the town of *Bath*, remitting a fine. *March 21, 1786.*

On the petition of the Selectmen of the town of *Bath*, praying that their proportion of tax No. 3, for the year 1783, for three years men, may be remitted unto said town:

Resolved, for reasons set forth in said petition, that the prayer of the same be granted, and that their proportion of the tax for three years men, in the year 1783, be remitted to the said town, and that the Treasurer of this Commonwealth be, and he hereby is empowered and directed to credit said town for the sum of *four hundred and six pounds, sixteen shillings*, being their proportion of the tax aforesaid, any law or resolve to the contrary notwithstanding.

CLI.

Resolve on the petition of *Elisha Ely*, of *West-Springfield*, for sale of land. *March 21, 1786.*

On the petition of *Elisha Ely*, of *West-Springfield*, in the county of *Hampshire*, and *Hadassab* his wife, representing that the said *Hadassab* inherits, by the last will of her late grandfather, *Able Chapin*, late of *Springfield*, divers tracts of land in said *Springfield*, and praying for liberty that the same may be conveyed, for reasons set forth in their petition.

Resolved, That Capt. *Phineas Chapin*, of said *Springfield*, be, and he is hereby authorized and empowered to sell and convey the lands aforesaid, of the said *Hadassab*, and to make and execute a good and sufficient deed or deeds thereof, he the said *Phineas* first giving a written promise to the said *Elisha* and *Hadassab*, to lay out the proceeds of the sale of the said lands, in the purchase of other lands, the fee-simple estate whereof to be vested in the said *Hadassab*, her heirs and assigns.

CLII.

Resolve establishing the pay of the Committee on accounts. *March 21, 1786.*

Resolved, That there be allowed and paid out of the public treasury, the sum of *one shilling*, to each of the members of the Committee on accounts, for each day's attendance upon that Committee, at the last and present sitting of the General Court, in addition to their pay as members of the Court, in full for that service.

CLIII.

Resolve empowering the Justices of the Supreme Judicial Court, to estimate the value of certain notes. *March 27, 1780.*

Whereas several of the persons appointed by an act, passed in the year 1780, to return into the Secretary's office the average price of corn, beef, sheeps wool and sole-leather, have neglected to make such returns.

Resolved, That the Justices of the Supreme Judicial Court, be, and they hereby are empowered and directed to estimate the value of certain notes, given to this State's quota of the Continental army, which value was to be determined by the price of the articles above-mentioned, from such returns as they have or may receive, and their own judgment in the premises.

CLIV.

Resolve making an establishment for *Castle-William*. *March 21, 1786.*

Whereas it is expedient for the safety and good of the Commonwealth, that the *Castle* in the harbour of *Boston*, should continue to be garrisoned with officers and matrosies; and the establishment made *October 25, 1782*, is expired:

Resolved, That there be appointed and commissioned for the said purpose,

- One Captain,
- One Captain-Lieutenant,
- One First-Lieutenant,
- One Gunner, to be commissioned as Second-Lieutenant,
- One Chaplain,
- Three Quarter-Gunners,

Four

Four Serjeants,
 Four Corporals,
 One Drum,
 One Fife,

Fifty Privates ; to be properly organized into one company, the non-commissioned officers and privates to be enlisted for the term of three years, unless sooner discharged, to do garrison and fatigue duty at the said fort ; the said non-commissioned officers and privates not to be called off from the said duty for any other than what belongs to the said fort : and that the following establishment be allowed to the officers and men, who shall compose the said company, *viz.*

Captain, *twelve pounds* per month.

Captain-Lieutenant, *nine pounds* per month.

First-Lieutenant, *six pounds* per month.

Gunner, commissioned as Second-Lieutenant, *five pounds* per month.

Chaplain, *seven pounds, ten shillings,* per month.

Each Quarter-Gunner, *two pounds, ten shillings,* per month.

Each Serjeant, *two pounds, eight shillings,* per month.

Each Corporal, *two pounds, four shillings,* per month.

Each Drum and Fife, *two pounds, four shillings,* per month.

Each Matros *forty shillings* per month.

Overseer of the Convicts, *four pounds, ten shillings,* per month.

And each non-commissioned officer and private, in the said company, shall receive one suit of cloaths a year for each year they shall continue in the said service, and the pay of each officer and foldier shall be made them quarterly.

Resolved, That his Excellency the Governour be, and he hereby is authorized and empowered, by and with the advice and consent of Council, to appoint some suitable person as a Chaplain to the garrison aforesaid.

And it is further *Resolved,* That it shall be the duty of the person, who shall be appointed by virtue of the foregoing resolve, to officiate as Chaplain to the garrison on *Castle-Island,* in the harbour of *Boston,* to reside constantly on the said Island, and there to perform divine service, by preaching to, and praying with the said garrison, every Lord's day ; and also by praying with them every morning and evening, at proper and stated hours, on week days, unless necessarily prevented ; and to perform all other duties of religion and piety, that may best tend to promote virtue and good morals in the said garrison. And the Commissary-General is hereby empowered and directed to provide, on the said Island, such decent accommodations for such Chaplain, when appointed, as may be suitable to his character and profession.

CLV.

MESSAGE from his Excellency the Governour, by the Secretary, Gentlemen of the *Senate,* and Gentlemen of the *House of Representatives,*

A NUMBER of persons, who appear to be inhabitants of *Moose-Island,* in the bay *Passamaquoddy,* have by their letter of the third of *January,* just received, represented, that the officers of the neighbouring *British* province
 of

of *New-Brunswick*, are pursuing every method to subjugate them, and that several writs had been executed upon them; imploring the interposition of this government, and that such steps may be immediately taken, as are necessary to quiet their minds, and give them full possession of their rights in the said island: as you will observe by their said letter.

This matter, in consequence of former similar representations, has been at your request, laid before Congress, and as it is in a train of settlement, there seems to be nothing further necessary to be done, but to quiet the minds of those inhabitants, by informing them, that Congress had taken measures to procure an amicable adjustment of the dividing line between the territory of the United States, and the said province of *New-Brunswick*; to commend them for their resolution, that no allurements or threats shall induce them to forsake that system and constitution, by which they very justly think their natural rights and privileges will be secured; and to exhort them to abide by that resolution.

The said letter, Gentlemen, is laid before you, for your determination concerning it.

JAMES BOWDOIN.

COUNCIL-CHAMBER, March 21, 1786.

CLVI.

Resolve on the petition of *Josiah Hayden*, Collector of *Williamsburgh*, directing the Treasurer to receive a certain sum in Continental dollars, part of the tax mentioned. March 22, 1786.

On the petition of *Josiah Hayden*, Collector for the town of *Williamsburgh*, praying that the Treasurer might receive *fourteen hundred and twenty-seven Continental dollars*, on a tax committed to him to collect for the year 1779, No. 3, for reasons set forth in said petition:

Resolved, That the prayer of the petitioner be so far granted, that the Treasurer of this Commonwealth be directed to receive of *Josiah Hayden*, Collector of *Williamsburgh*, *fourteen hundred and twenty-seven Continental dollars*, in part of the tax committed to him to collect, and as there remains due, *three thousand three hundred and forty-seven pounds, eighteen shillings*, old Continental money, that he be held to pay to the above-said Treasurer the sum of *forty-four pounds, twelve shillings and nine pence*, specie, in full discharge of the said tax.

CLVII.

Resolve on the petition of *Daniel Winchester*, in behalf of the town of *South-Brimfield*, directing the Treasurer to receive the money mentioned on account of a beef tax, granted in 1780. March 22, 1786.

On the petition of *Daniel Winchester*, in behalf of the town of *South-Brimfield*:

Resolved, That for reasons set forth in the said petition, the Treasurer of this Commonwealth be, and hereby is directed to receive of the town of *South-*

South-Brimfield, twelve thousand six hundred and fifteen pounds, Continental money, and to give credit to the said town therefor, the sum of one hundred and thirty-four pounds, eleven shillings, in part of the sum of one hundred and sixty-eight pounds, four shillings, for which an execution has been issued against the said town of South-Brimfield, on account of a beef-tax granted in December, 1780.

CLVIII.

Resolve on the petition of *Ebenezer Peirce*, of *Partridgefield*, granting him *five pounds four shillings*, being the amount of out-standing taxes assessed upon sundry lots of land, which belonged to absentees. *March 22, 1786.*

On the petition of *Ebenezer Peirce*, in behalf of the proprietors of the town of *Partridgefield* :

Resolved, That there be paid out of the public treasury, to the proprietors of the said town of *Partridgefield*, the sum of *five pounds four shillings*, being the amount of out-standing taxes assessed upon sundry lots of land, which belonged to absentees, and have been sold for the use of this Commonwealth.

CLIX.

Resolve on the petition of *John Gould*, directing the Treasurer to receive a certain sum, in discharge of the taxes committed to him to collect. *March 22, 1786.*

On the petition of *John Gould*, of *Malden*, for reasons set forth in said petition :

Resolved, That the Treasurer of this Commonwealth be, and is hereby directed, to receive of *John Gould*, *six pounds nineteen shillings and ten pence*, in full discharge of the taxes committed to him to collect.

CLX.

Resolve on the petition of *Bridget Gilman*. - *March 22, 1786.*

Whereas it appears to this Court, that *Daniel Gilman*, late of *Exeter*, has absconded and left his wife and three small children, destitute of any support, and that he is not likely to return to his said family, or afford them any support : Therefore

Resolved, That *Bridget Gilman*, wife of the said *Daniel*, be so far considered as a *feme sole*, as to be, and she hereby is fully authorized and empowered to demand, sue for, and recover, in her own name, and to her use, any estate, real or personal, which she would have been intitled to, if she had not intermarried with the said *Daniel*, and to commence, and prosecute to final judgment and execution, any action or actions, for the purposes aforesaid, in the same manner as if the said *Daniel* was dead ; and the said *Bridget* is further authorized and empowered to sell and convey any estate, which descended to her from her late father, her intermarriage with the said *Daniel* notwithstanding.

CLXI.

Resolve on the petition of *Samuel Thompson*, administrator on the estate of *Hannah Johnson*, empowering him to sell her estate mentioned. March 22, 1786.

On the petition of *Samuel Thompson*, praying that licence may be granted for the sale of certain real estate, mentioned in his said petition.

Resolved, That *Samuel Thompson*, administrator upon the estate of *Hannah Johnson*, late of *Woburn*, in the county of *Middlesex*, widow, deceased, intestate, be, and he hereby is empowered and licenced to make sale of the real estate of the said *Hannah Johnson*, for the most the same will fetch, and make and execute a deed or deeds thereof; the said *Samuel* observing the rules and directions of the law, for the sale of real estates by executors and administrators; and first giving security to the Judge of Probate, for the county of *Middlesex*, that the proceeds of the sale shall be disposed of according to law.

CLXII.

Resolve on the petition of the inhabitants of *Deer-Island*, granting and confirming one hundred acres of land to each of said settlers, on condition. March 22, 1786.

Whereas it appears to this Court, from a survey and plan of a certain island, lying within the county of *Lincoln*, called *Deer-Island*, taken by *Rufus Putnam*, Esq; in the year 1785, together with a small island lying near the west shore of the said *Deer-Island*, called *Sheep-Island*, that the said islands contain in the whole, sixteen thousand eight hundred and seventy-six acres, whereon were eighty settlers, before the first day of *January*, 1784; and whereas *Joseph Tyler* and others, settlers on the said islands, have petitioned this Court for a grant of the same, to them, their heirs and assigns: Therefore

Resolved, That there be, and there is hereby granted and confirmed to the said *Joseph Tyler*, and the other settlers, who settled thereon and made a separate improvement before the first day of *January* 1784, their heirs and assigns, one hundred acres each, to hold in severalty, to be laid out so as to include their respective improvements, as a compensation for settlement; on condition, that the aforesaid settlers pay into the treasury of this Commonwealth, within one year from the date hereof, for the survey, and other charges, *one hundred and twenty pounds*, in specie, with interest until paid; provided that where any original settler has sold, or otherwise disposed of his improvements, the purchaser of such improvements, his heirs and assigns, shall hold the same lands which such original settler would have held by virtue of this resolve, if there had been no such sale or disposition.

And be it further *Resolved*, That the remainder of the said *Deer-Island*, with all the privileges and appurtenances to the same belonging, be, and is hereby granted and confirmed to the said *Joseph Tyler*, and *Mark Haskell*, *Joseph Colbey*, *John Campbell*, *Charles Presley*, *Ignatius Haskell*,
Thomas

Thomas Saunders, Edward Haskell, Joshua Haskell, Thomas Haskell, Jonathan Eaton, Ezekiel Marshall, George Tyler, Thomas Stinson, jun. Belcher Tyler, Nathan Dow, John Pressey, Thomas Stinson, Nathan Glosson, Elijah Donham, Theophilus Eaton, Levi Carman, Ezra Howard, Ambrose Colby, Nathaniel Bray, Robert Nason, Benjamin Cole, Ezekiel Moory, John Hooper, Lot Curtis, Chase Pressey, Thomas Saunders, Samuel Frunday, John Raynes, Samuel Raynes, Thomas Smalley, Job Smalley, Charles Sellers, Josiah Crocket, Thomas Robbins, William Babbage, Joseph Whitmore, William Greenlaw, George Freas, Cortney Babbage, John Freas, Peter Hardy, Jeremias Eaton, William Eaton, John Glosson, Thomas Thompson, Robert Lin, Marcy Staples, Charles Greenlaw, Simon Fowler, David Torey, Jonathan Torey, Samuel Crombie, Joseph Donham, their heirs and assigns; on condition, that they appropriate three hundred acres of land for the use of the ministry, and three hundred acres for the use of a grammar school, and that they pay into the treasury of this Commonwealth, within one year from the time of passing this resolve, *one thousand two hundred and forty-one pounds eight shillings*, in consolidated securities of this Commonwealth, with interest.

The said *Deer-Island* and *Sheep-Island*, granted as aforesaid, are bounded as follows, viz. northeastly on *Eggamogan-Beach*, which seperates *Deer-Island* from township No. 4, laying between *Penobscot-River*; and *Union-River*, beginning at *Hardy's Point*, at the north end of the said island; from thence running southeasterly by several headlands, to *Campbell's Point*; from thence southwesterly to the northwest point of *Campbell's Island*; thence by the westerly and southwest shore of *Campbell's Island*, to the south extreme of the same; from thence easterly, passing on the southerly side of island B, as marked in the said plan, to the northeast point of *Stinson's Neck*; from thence southerly touching the extreme headlands of *Stinson's Neck*, to the most southerly point thereof; from thence southwesterly to the east point of *Bavige's Neck*; from thence southerly to the southeast point of *Deer-Island*; from thence southwesterly and westerly, touching the extreme headlands of *Deer-Island*, to a point thereof opposite *Croich-Island*, by *Deer-Island-Thoroughfare*; from thence northwesterly, to the west point of *Deer-Island*, near the southwest harbour; from thence northerly, touching the extreme of *Sheep Island* to *Donham's Point*, or *Ragged Head*; from thence northeasterly, touching the east extreme of *Cranne-Island* to *Hardy's Point* aforesaid; which description includes *Deer-Island Proper*, *Greenlaw Neck*, *Stinson's Neck*, *Bavige's Neck*, and *Sheep-Island*, which lays near the west shore of *Deer-Island*.

CLXIII.

Resolve on *Nathaniel Eaton's* petition, directing the Treasurer to issue a note of the same tenor and date with the note lost, giving security.
March 22, 1786.

On the petition of *Nathaniel Eaton*, setting forth that in *December, 1781*, he was in possession of a specie note of this Commonwealth, for the sum of
nine

nine pounds five shillings and eleven pence, without any interest having been endorsed, given to *James Rix*, a soldier in *Col. Wesson's* regiment, and that by accident said note was thrown into the fire, and totally destroyed, and praying that another note may be given him, of like tenor and date with that which was burned :

Resolved, That the prayer of the said petition be granted, and that the Treasurer of this Commonwealth be, and he hereby is directed, to issue to the said *Nathaniel Eaton*, a note of the same tenor and date with the note aforesaid, the petitioner giving security to the Treasurer to reimburse the same in case the note said to have been destroyed, should hereafter be offered at the treasury for payment.

CLXIV.

Resolve on the petition of *Thomas Murphy*, directing the Treasurer to deliver notes to said *Murphy*, to the same amount as if none had been issued. *March 22, 1786.*

On the petition of *Thomas Murphy*, setting forth, that he was a soldier in *Col. Crane's* regiment of artillery, and that his wages have been drawn by one *William Bennet*, from the treasury of this Commonwealth, by a forged order :

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed, to make out and deliver to the said *Thomas Murphy*, notes in the same manner, and for the same amount, as if none had ever been issued for the payment of the aforesaid *Murphy's* wages.

CLXV.

Resolve directing the Treasurer to receive of *Joseph Baker*, a sum in army notes, or other notes, and to deliver the bond heretofore given for the balance of the account mentioned. *March 22, 1786.*

Whereas it appears to this Court, that in the settlement of accounts between this Commonwealth, and *Joseph Baker*, late a Commissary of Purchases, the said settlement in some respects was made in a manner unfavorable to the said *Baker*, and that he had until the year 1781, monies in advance for the benefit of this Commonwealth, and probably sustained loss from the depreciation of the paper currency which he then received :

Therefore *Resolved*, That the Treasurer of this Commonwealth be, and he hereby is directed to receive of the said *Joseph Baker*, the sum of *one thousand, five hundred and nine pounds, sixteen shillings and three pence*, in the army notes, or other notes given by the Treasurer of this Commonwealth for specie, which are now due, and upon which the interest remains unpaid, from the tenth day of *February*, 1783, or in case the interest has been paid, the Treasurer is directed to receive a sum in specie, or orders therefor on Collectors, equal to the interest so paid :—And the said Treasurer, upon receiving the said sum of *one thousand, five hundred and nine pounds,*

sixteen

sixteen shillings and three pence, in the manner aforesaid, with the interest as aforesaid, is hereby directed to deliver to the said *Joseph Baker*, the bond heretofore given by him for the balance of the account above-mentioned.

CLXVI.

Resolve on the Governour's message, relative to the convicts confined on *Castle-Island*, appointing a committee to determine on a plan of a prison for them, and granting *four hundred pounds* to the Commissary-General to furnish materials. *March 22, 1786.*

The Committee of both Houses, appointed at the last sitting of this Court, to whom was committed the consideration of that part of the Governour's message of the 5th of last *November*, which respected the safe keeping of the convicts confined to hard labour on *Castle-Island*, in the harbour of *Boston*, have attended that service, and ask leave to report.—That they have, agreeable to their appointment, visited the said Island in the recess of the Court, and carefully examined the state and circumstances of the prisoners, now under confinement there, and also the condition of the barracks in which they are at present lodged; and find that the buildings now erected on that Island, are by no means adapted to, or sufficient for the safe keeping of the convicts that are now there. And whereas among the number of convicts from all parts of this State, who are or may be sentenced to be confined to hard labour on that Island, there will probably be many persons of the “most flagitious and abandoned characters, ready to attempt the most desperate measures for procuring their liberty;” the Committee therefore ask leave further to report as their opinion, that it is absolutely necessary for the safe keeping of the said convicts, and for the security of the garrison, that a prison be forthwith built, on some convenient part of *Casile-Island*, within the harbour of *Boston*, of sufficient bigness and strength, to contain and secure such a number of convicts, as may be likely, at any one time, to be under sentence of confinement to hard labour on the said Island. And the said Committee beg leave to suggest the propriety of choosing a Committee forthwith, for the purpose of preparing a proper plan or draft of such a prison, together with all such out-houses and work-shops, as may be necessary for accommodating and employing, to the greatest advantage, such of the said convicts as may be capable of making nails, or of being profitably employed in any other branch of machanic business, and to lay the same before the next General Court.

Read and accepted, and *Ordered*, That *Richard Cranch* and *Peleg Coffin*, Esq's. *Mr. Dawes*, *Mr. Thatcher* and *Mr. Davis*, be a Committee for the purpose herein mentioned. And the said Committee are instructed to consider of, and report measures necessary to be immediately taken for the safe keeping of the convicts confined on *Casile-Island*. Who reported as follows,

Whereas it is represented to this Court that the place assigned for the temporary confinement of the convicts on *Castle-Island*, in the harbour of *Boston*, is so small that it will be inconsistent with their health, and the health of the garrison, to have them so closely confined when the hot weather

ther shall come on : And whereas it appears to this Court necessary that a strong building, not exceeding sixty feet in length, and forty feet in breadth, and two story high, to be framed of solid timbers of twelve inches square, with such offices and work-shops as may be requisite, should be erected as soon as possible, for the safe keeping and employing of the convicts, who shall from time to time be sentenced to hard labour on the said Island :

Therefore *Resolved*, That *Richard Cranch, Thomas Dawes and Ebenezer Wales*, Esq's. be a Committee to determine on a plan of the said prison, and the buildings therewith connected ; and also on the particular place on the said Island, where the same shall be erected. And that the sum of *four hundred pounds* be paid out of the public treasury of this Commonwealth to the Commissary-General, to enable him forthwith to procure the timber and other materials for the said buildings ; and the said Commissary-General is hereby empowered and directed to procure the said materials in such quantity, and of such kinds and dimensions, as the said Committee shall direct, and to cause the said prison, and the other necessary accommodations connected therewith, to be built as soon as possible, according to such plan and directions as shall be given to him by the said Committee.

CLXVII.

Resolve on the petition of *John Coolidge*, setting aside a judgment given against him, on certain conditions. *March 23, 1786.*

Upon the petition of *John Coolidge*, praying that a judgment recovered against him in the Court of Common Pleas, holden at *Boston*, within and for the county of *Suffolk*, on the first Tuesday in *January* last, by *John Bacon*, may be set aside :

Resolved, That upon the said *John Bacon's* giving bond in the Clerk's office, with sureties to the value of *two hundred pounds*, conditioned that the execution which may issue upon said judgment, shall be extended on the mortgaged land, sold as mentioned in said *Coolidge's* petition, so far as the same will go in satisfaction of said judgment, the same judgment shall be considered as valid, and execution issue thereon, and the attachment made on the original writ, shall be held as good and valid, to all intents and purposes for thirty days next after taking out execution on said judgment ; and in default of the said *Bacon's* giving bonds as aforesaid, within twenty days from the passing this resolve, then the same judgment be, and hereby is declared null and void ; and that the Clerk of the Court aforesaid, carry the action forward to the next Court of Common Pleas, to be holden in the county of *Suffolk*, in the same manner as if the same action had been regularly continued within the term, and that the same parties have day in Court, at the next term in said county of *Suffolk*, in the same manner as if the same action had been continued in the ordinary course of law.

CLXVIII.

Resolve on the petition of Brigadier *Joseph Palmer*, directing him to exhibit his account, and his Brigade Major's, to the Committee for settling with the army, for services on the *Rhode-Island* expedition, and to certify the sum due, to the Governour and Council. *March 23, 1786.*

On the petition of Brigadier-General *Joseph Palmer*, representing that neither he nor his Brigade Major have received pay for their service in the expedition against the enemy then at *Rhode-Island*, in the year 1777. And also that by order of the then Council of this State, he attended a Court of Inquiry, at *Providence*, praying that payment may be made for the said services, together with interest thereon.

Resolved, That the prayer of the petition be so far granted, that on the petitioner's exhibiting to the Committee for settling with the army, an account for his and his Brigade Major's service in the said expedition, and his account for attendance on the said Court of Inquiry, the said Committee be, and they hereby are directed to examine the same, and to certify to the Governour and Council, the sums respectively due to the said Brigadier, and his Brigade Major, the same being adjusted according to the Continental establishment for the pay of similar officers in the year 1777; and also the sums due to the said Brigadier, for his time, travel and expence in attending the Court of Inquiry, as aforesaid, allowing therefor, *twenty shillings* per day. And the Governour is hereby authorized and requested, with the advice of Council, to make out his warrant on the treasury, for the sum so certified, the same to be charged to the United States.

CLXX.

Resolve granting to Doctor *Joseph Gardner*, administrator on the estate of the late Treasurer, *two thousand five hundred and twelve pounds one shilling and eight pence one farthing*, in full discharge of salary and disbursements; as also *five hundred and eighteen pounds three shillings and six pence*, for interest on said sum; half of said sums to remain in the treasury as a security, six months after passing this resolve, and holding the administrator to repay to the Treasurer all sums as shall appear due on any demands after the 7th of *February*, 1786. *March* 23, 1786.

Whereas it appears to this Court on a liquidation of all accounts between this Commonwealth, and the estate of the late *Henry Gardner*, Esq; that there is due to the said estate, for balance of his salary, and account as Treasurer and Receiver-General, from *October* 28, 1774, to the 8th day of *October*, 1782, the sum of *two thousand five hundred and twelve pounds one shilling and eight pence one farthing*; and it being necessary that the same should be discharged, in order to enable the administrator on the said estate to compleat a settlement thereof: Therefore

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to Doctor *Joseph Gardner*, administrator on the estate of the late *Henry Gardner*, Esq; late Treasurer and Receiver-General of this Commonwealth, the sum of *two thousand five hundred and twelve pounds one shilling and eight pence one farthing*, in full discharge of all demands of the said administrator, in his said capacity, against this Commonwealth, for salary and all disbursements, including the sum of *twelve hundred pounds* on account of a demand of *John Furness*, Esq; late a principal clerk in the office of the late Treasurer *Gardner*, for which his estate is accountable.

And

And it is further *Resolved*; That the further sum of *five hundred and eighteen pounds three shillings and six pence*, be allowed and paid out of the public treasury, to the said administrator, which sum is in full for interest on the said sum of *two thousand five hundred and twelve pounds, one shilling and eight pence one farthing*, from the eighth day of *October*, 1782, to the sixteenth day of *March* 1786.

Provided nevertbeles, That one half of each of the sums abovementioned shall remain in the treasury of this Commonwealth, six months after the passing of this resolve, as a security against any demands that may be made for monies due on any rolls, due bills, or any other account whatever, or for securities, which the said Treasurer or the said *Furnafs* received, or for which the said Treasurer has been credited, and which have not been accounted for. And

Provided also, That the said administrator shall be, and he hereby is holden to repay to the Treasurer of this Commonwealth, all such sums of money as shall appear to be due on any demands which have been or shall be exhibited, from and after the 7th day of *February*, 1786, for or on account of any of the matters abovementioned, and the value of securities not accounted for as aforesaid, and also the interest of such sums, from and after the said 8th day of *October*, 1782.

CLXXI.

Resolve on the Governour's message, requesting his Excellency to inform the inhabitants of *Moose-Island*, of the measures that have been taken by Congress to procure an amicable settlement of the dividing line between the territory of the United States, and the province of *New-Brunswick*, and to advise them to abide by their resolution. *March* 23, 1786.

Ordered, That his Excellency the Governour be, and he hereby is requested, to write to the inhabitants of *Moose-Island*, and inform them that Congress have taken measures to procure an amicable adjustment of the dividing line between the territory of the United States, and the province of *New-Brunswick*, and to advise them to abide by their commendable resolution, not to forsake that system and constitution by which they justly think their natural rights and privileges will be secured.

CLXXII.

Resolve on the petition of *Joseph Twitchell*, granting *thirty-two pounds twelve shillings and five pence*, with directions to the Treasurer in this case. *March* 23, 1786.

Whereas the Committee on accounts, to whom was committed the petition of *Joseph Twitchell*, guardian to the *Natick* Indians, praying that his accounts, in his said capacity, might be liquidated and settled, have attended that service, and reported, that on settlement they find that the said guardian hath in his possession, of the estate of the following Indians, the following sums, viz. Of

	£.	s.	d.
Of the estate of <i>Dinab Spur</i> , one pound, four shillings and four pence,	1	4	4
Of the estate of <i>Hezekiah Comoco</i> , sixty-one pounds, twelve shillings and four pence,	61	12	4
Of the estate of <i>Elizabeth Naborton</i> , one pound, fifteen shillings and nine pence,	1	15	9
Of the estate of <i>Esther Sodock</i> , thirty pounds, eleven shillings and four pence,	30	11	4
Of the estate of <i>Eunice Spiwood</i> , sixteen pounds nine shillings,	16	9	0
Of the estate of <i>Samuel Abrabams</i> , seven pounds, five shillings and one penny,	7	5	1
Of the estate of <i>Elizabeth Speen</i> , twenty-one pounds, sixteen shillings and nine pence,	21	16	9
Of the estate of <i>Mary Gagon</i> , eleven pounds, fourteen shillings and four pence,	11	14	4

Sum total. £. 152 8 11

And whereas the said Committee have also reported that the said guardian hath expended the whole of the estate that did belong to *Mary Obcue* and *Deborah Comoco*, and that they also find that there is due to the said guardian, the following sums, for money expended for the support of the Indians hereafter named, after their estates were expended, viz.

	£.	s.	d.
For the support of <i>Esther Speen</i> , three pounds, seven shillings and one penny,	3	7	1
For the support of <i>John Ephraims</i> , one pound, seven shillings and eleven pence,	1	7	11
For the support of <i>Sarah Pero</i> , twelve pounds, eighteen shillings and four pence,	12	18	4
For the support of <i>Sarah Comoco</i> , one pound, eleven shillings and ten pence,	1	11	10
Your Committee further find, that the said guardian has expended for the support of <i>Elizabeth Tray</i> (in specie) thirteen pounds seven shillings and three pence,	13	7	3

Sum total. £. 32 12 5

And that they also find in the said guardian's hands, a consolidated note against this Commonwealth, belonging to the said *Elizabeth Tray*, for the sum of eighteen pounds two shillings and nine pence,

Thereupon Resolved, That the said guardian be, and hereby is charged with the aforesaid sum of one hundred fifty-two pounds eight shillings and 11d. and also with a further sum of four pounds fifteen shillings and 6d. contained in a consolidated note in his possession, which belongs to *Elizabeth Tray*.

And it is further Resolved, That there be paid out of the public treasury of this Commonwealth, to the said *Joseph Twitchell*, thirty-two pounds, twelve shillings and five pence.

And it is further Resolved, That the Treasurer, on his paying the said sum of thirty-two pounds twelve shillings and 5d. be directed to endorse thirteen pounds seven shillings and 3d. on said note belonging to *Elizabeth Tray*.

CLXXIII.

Resolve on the petition of the Selectmen of *Topsham*, directing the Treasurer to credit said town on the second tax in 1780, for abatement of taxes. *March 23, 1786.*

On the petition of the Selectmen of *Topsham*, praying for the abatement of taxes, for reasons set forth in their petition :

Resolved, That the prayer of said petition be so far granted, that the Treasurer of this Commonwealth be, and he hereby is directed, to credit the town of *Topsham* the sum of *one hundred and twenty-six pounds, six shillings and two pence*, on the second tax set on that town in the year 1780.

CLXXIV.

Resolve on the petition of *Jonathan Coffin*, 3d, of *Nantucket*. *March 23, 1786.*

On the petition of *Jonathan Coffin*, 3d, for reasons set forth in said petition.

Resolved, That the prayer thereof be so far granted, that *Zacheus Marcy* and *Richard Mitchell*, jun. be, and they hereby are appointed Agents to sell at public auction or private sale, the estate both real and personal, which may be found, belonging to *James Cordoda*, late of *Nantucket*, deceased, and to give good deed or deeds of the same, the proceeds thereof to be appropriated for the payment of said *Coffin's* account (or so much thereof as the neat sales may amount to) which shall be found justly due by the Agents aforesaid ; the said Agents to be accountable to this Court for the expenditure of the proceeds of said estate by them so sold.

CLXXV.

Resolve on the petition of *Benjamin* and *Israel Fearing*, in behalf of the town of *Wareham*, abating said town *three hundred and twenty pounds*, on several taxes due in 1780 and 1785. *March 23, 1786.*

On the petition of *Benjamin* and *Israel Fearing*, in behalf of the town of *Wareham*, representing the inability of the said town to pay the taxes already assessed upon them, and praying for relief.

Whereas it appears to this Court, that the town of *Wareham*, previous to the settlement of the present valuation, have been taxed more than their just proportion of the public taxes. Therefore

Resolved, That the said town of *Wareham* be, and hereby are abated the sum of *three hundred and twenty pounds*, part of the sum now due from the said town, on the several taxes granted and assessed since the beginning of the year 1780, to the end of the year 1785, and the Treasurer is hereby directed to credit the said town of *Wareham* the aforesaid sum accordingly, provided that the remaining sum, due to the Treasurer from the said town, shall be paid into the treasury, in nine months from the date hereof, any law or resolve to the contrary notwithstanding.

CLXXVI.

Resolve for delivering the pay-roll of the nine months men, to the Committee for settling with the army, and directing them to charge the amount of their wages, to the United States, and directing the said Committee to certify their balances to the Governour and Council, for payment. *March 23, 1786.*

Whereas it appears by a pay-roll exhibited to this Court, that there is a considerable sum due to the nine months men, for their service in the years 1779 and 1780 : and whereas the bounties given by this State to said nine months men, have not been charged to the United States. Therefore

Resolved, That the pay-roll for said nine months men be delivered to the Committee for settling with the army, who are directed to charge the United States with the amount of their wages, at *forty shillings*, specie, per month, deducting the value of the monies paid said men by the United States.

And it is further *Resolved*, That such of said soldiers as have a balance due to them on said roll, shall be paid the same out of the public treasury of this Commonwealth, in receipts on Collectors of outstanding taxes ; and on application of such of said soldiers as have a balance due to them as aforesaid, the said Committee shall certify to the Governour and Council, the name of the soldier or soldiers thus applying, and the balance due to such soldier or soldiers respectively.

CLXXVII.

Resolve on the petition of *Timothy Rawson*, to notify *John Keyes* to shew cause, &c. *March 23, 1786.*

On the petition of *Timothy Rawson* :

Resolved, That the prayer of the said petition of *Timothy Rawson*, be so far granted, as that the petitioner notify the said *John Keyes*, by serving him with an attested copy of his said petition, and this order thereon, twenty days at least, before the second Wednesday of the first sitting of the next General Court, that he may then shew cause, (if any he has) why the prayer of the said petition should not be granted ; and that execution be stayed in the mean time.

CLXXVIII.

Resolve granting to *John Green*, Representative for *Worcester*, in 1777, *sixteen pounds, two shillings*, and directing the Treasurer to charge the same to the late Treasurer *Gardner's* estate. *March 23, 1786.*

Resolved, That there be allowed and paid out of the treasury of this Commonwealth to *John Green*, the sum of *sixteen pounds, two shillings and four pence, three farthings*, lawful money, in full for his services as a Representative for the town of *Worcester*, in the year one thousand seven hundred and seventy-seven, agreeably to the pay roll of the House of Representatives

for

for that year; and the Treasurer is hereby directed to pay the same accordingly, and charge said sum to the estate of the late Treasurer *Gardner*.

CLXXIX.

Resolve on the petition of *Simeon Fowler* and others, of the plantation called *New-Worcester*, confirming certain lands made between *Moses Knapp* and associates, on certain conditions. *March* 24, 1786.

Resolved, That the settlers on the plantation called *New-Worcester*, be confirmed in the lands, which by an agreement made between them and *Moses Knapp* and associates, dated the 22d of *March* instant, they the said *Knapp* and associates agree to release for the benefit of the said settlers, they the said settlers or their Committee, paying into the treasury of this Commonwealth, the sum of *three thousand pounds*, in consolidated notes of this government, within the space of four years, with interest or giving security to the Treasurer for the payment of the same, to the satisfaction of the Committee on the subject of unappropriated lands in the county of *Lincoln*; and the said Committee last mentioned, shall have full authority to confirm by deed, the said lands to the said settlers, to receive back a deed by them given to said *Knapp* and associates, and in lieu thereof, to give a new one conformable to the said agreement; and on receiving back the said deed, if it shall not appear to have been recorded in the Register's-office in the county of *Lincoln*, the said Committee shall deliver up to the said *Knapp* and his associates, the bond in their possession against them, conditioned for the payment of *three thousand, one hundred and fourteen pounds, fourteen shillings*, with interest: *Provided nevertheless*, That such persons, and no others, shall be deemed settlers within the meaning of this resolve, saving such as shall be so considered by the said Committee, on the subject of unappropriated lands in the county of *Lincoln*, which Committee may confirm the said lands to such of the settlers as they shall judge entitled thereto, in such proportion as shall appear most equitable.

CLXXX.

Resolve on the petition of the town of *Fryburg*, abating certain taxes, for reasons set forth. *March* 24, 1786.

On the petition of the town of *Fryburg*, praying for abatement of taxes, for reasons set forth in their petition.

Resolved, That the prayer of said petition be so far granted, that the Treasurer of this Commonwealth be, and he hereby is directed to credit the said town of *Fryburg*, for the sum of *thirty-seven pounds five shillings and seven pence*, the balance of a tax set on that town, in the year 1779, and not assessed, and the balance due from *Nathaniel Merrel*, being *seven pounds ten shillings and four pence*; the balance due from *Ebenezer Day*, being *four pounds nineteen shillings and nine pence*; the balance due from *Moses Ames*, being *seventy-one pounds ten shillings*; and the balance due from *Abraham Bradley*, being *sixty-one pounds ten shillings*, amounting in the whole

whole to *one hundred and eighty-two pounds fifteen shillings and eight pence*. And the said Collectors or Constables, from whom the several balances aforesaid remain due, are hereby directed to pay the same to the Treasurer of the town of *Fryburg*, for the use thereof; and if any Constable or Collector of the taxes aforesaid, shall not, within three months from the time of passing this resolve, pay to the Treasurer of said town, the balance due as aforesaid, the said Town-Treasurer is hereby empowered to issue his execution, or warrant of distress, against such deficient Constable or Collector, in the manner prescribed in case of non-payment of town taxes, *mutatis mutandis*.

CLXXXI.

Resolve on the petition of *Francis Dana*, Esq; granting him the sum of *seventy-five pounds*, for the first quarter's salary, after his appointment to the office of Judge of the Supreme Judicial Court. *March 24, 1786*.

Upon the memorial of *Francis Dana*, Esq; setting forth, that he has not received his salary, as a Judge of the Supreme Judicial Court, for the first quarter of a year after his appointment to said office.

Resolved, That there be allowed and paid out of the public treasury, to the said *Francis Dana*, Esq; the sum of *seventy-five pounds*, in full for the first quarter of a year's salary, after his appointment to said office, *to wit*, from the first day of *January, 1785*, to the first day of *April*, in the same year.

CLXXXII.

Resolve on the petition of *William Jones*, directing the Treasurer to call on all delinquent Collectors in the town of *Bristol*, for the remaining part of the sum charged by a resolve of the 12th of *November, 1784*. *March 24, 1786*.

On the petition of *William Jones*, in behalf of the town of *Bristol*, praying that the Treasurer may be empowered to revive all the warrants that were recalled by a resolve of the General Court, passed *November 12, 1784*, so far as respects the town of *Bristol*.

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed, to call on all the Collectors of taxes, in the town of *Bristol*, in the county of *Lincoln*, to pay into the treasury all the taxes due from the said town, by a resolve of the General Court of the 12th of *November, 1784*: and the Collectors to whom the several taxes were committed, are empowered to collect the same, in the same manner as if the said resolve had not passed; and the remainder of the sums of said assessments, when the above-said taxes shall be paid into the public treasury, the Collectors are directed to pay into the treasury of the town of *Bristol*.

CLXXXIII.

Resolve on the petition of *Henry Bass*, executor of *William Baker*, deceased, late Messenger. *March 24, 1786.*

On the petition of *Henry Bass*, executor of the will of *Mr. William Baker*, deceased, late Messenger to the General Court :

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to *Henry Bass*, executor as aforesaid, the sum of *forty-six pounds, thirteen shillings and four pence*, which is in full for *Mr. William Baker's* services, as Messenger to the General Court, from the 25th day of *August*, to the 9th of *December, 1785.*

CLXXXIV.

Resolve on the petition of *Benjamin Adams*. *March 24, 1786.*

On the petition of *Benjamin Adams*, of *Rowley*, in the county of *Essex*, administrator on the estate of *Samuel Adams*, of *Abington*, in the county of *Plymouth*, physician, deceased, praying that his account may be again considered by the Judge of Probate for the county of *Plymouth*, or at least that he might be enabled to prosecute his appeal, for reasons set forth in his petition :

Resolved, That the prayer of the petition be so far granted, that the said *Benjamin Adams*, administrator on said estate, be ordered to serve *Benjamin Adams*, of *Newbury*, with an attested copy of the said petition, with this resolve thereon, at least fourteen days before the third 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, and that no action be brought against the said administrator by the heirs of said *Samuel Adams*, deceased, in the mean time.

CLXXXV.

Resolve on the petition of *Sarah Smith*, repealing a resolve passed the 24th of *November* last, and directing the Treasurer to pay the several sums that appear to be due to her, on producing vouchers, &c. *March 24, 1786.*

On the petition of *Sarah Smith*, praying for wages due to her late husband *Moses Smith*, for services performed in the Continental army, which wages have been drawn by forged orders :

Whereas it appears there was a resolve passed this Court, the 24th of *November* last, directing the Treasurer of this Commonwealth, to pay the said *Sarah Smith*, the wages due to her late husband, in which resolve *Joseph Smith* is inserted, instead of *Moses Smith* :

Resolved, That the said resolve be, and hereby is repealed, and the Treasurer of this Commonwealth, is directed to pay to the said *Sarah Smith*, the several sums that appear to be due to her, on her producing such sufficient vouchers as the law directs, to entitle her to receive the same, in the same manner he would have paid them if they had not been paid on the forged orders aforesaid.

CLXXXVI.

Resolve on the petition of *Isaac Coit*, in behalf of the town of *Southwick*, directing the Treasurer to credit said town with the sum mentioned.
March 24, 1786.

On the petition of *Isaac Coit*, in behalf of the town of *Southwick*, setting forth that said town has been fined for the deficiency of seven three years men, they were directed to procure by a resolve of the second of *December*, 1780, also for five three months men they were directed to procure, by a resolve of the 30th of *June*, 1781:

Whereas it appears that said town is unable to pay said fines, or any part thereof:

Resolved, That for reasons set forth in the said petition, the Treasurer of this Commonwealth be, and he hereby is directed to credit the said town of *Southwick*, the sum of *sixteen hundred and nine pounds, one shilling and three pence*, being the fines and average price laid on said town, in tax No. 3, granted in the year, 1783, any law or resolve of this Commonwealth to the contrary notwithstanding.

CLXXXVII.

Resolve on the petition of the Selectmen of the town of *Williamsburgh*, directing the Treasurer to credit said town with the fine mentioned.
March 24, 1786.

On the petition of the Selectmen of the town of *Williamsburgh*, praying for the abatement of a fine imposed on them, for the deficiency of one man, as their quota of the Continental army, for reasons in said petition set forth:

Resolved, That the prayer thereof be granted; and the Treasurer of this Commonwealth is hereby directed, to credit the said town the sum of *seventy-four pounds, one shilling and three pence*, and to discharge any execution that may be issued against the said town for the recovery of the aforesaid fine.

CLXXXVIII.

Resolve on the petition of the Selectmen of the town of *Pownalborough*, directing the Collectors in the collection of taxes, to compleat the same.
March 24, 1786.

On the petition of the Selectmen of the town of *Pownalborough*, praying that the Collectors of said town, may be empowered to finish and compleat the whole of the collection on tax No. 3, for 1783.

Resolved, For reasons set forth in said petition, that the prayer thereof be granted, and that the Collectors aforesaid are hereby authorized and empowered to finish and compleat the whole of their said collection on said tax, on or before the first day of *July* next, and that the warrants from the Treasurer of this Commonwealth, already issued on said tax, be their authority for the same.

And

And whereas the said Collectors have received orders, drawn on them by the Treasurer of the Commonwealth, on said tax, to a considerable amount; it is therefore further

Resolved, That the Treasurer be, and he hereby is directed to receive from the said Collectors all such orders, drawn by him as aforesaid, for the beef-tax, and any other arrears of taxes that are due from said town.

And it is further *Resolved*, That the said Collectors pay unto the Treasurer of the said town of *Pownalborough*, the whole balance of said tax, No. 3, over and above what they have already and shall, by said orders, pay unto the said Treasurer of this Commonwealth, on or before the first day of *July* next; and that the said Town-Treasurer be, and hereby is authorized to issue his executions against said Collectors, or either of them, for their respective balances, in case of non-payment, any law or resolve to the contrary notwithstanding.

CLXXXIX.

Resolve on the petition of *Thomas Pease*, of *Edgartown*, in *Dukes-County*,
March 24, 1786.

On the petition of *Thomas Pease*, of *Edgartown*, in *Dukes-County*, setting forth, that he was a Collector of public taxes for the year 1776, and that he collected and paid unto *Henry Gardner*, Esq; then Treasurer, the sum of *one hundred pounds*, on the 25th day of *September*, 1776; the residue of said tax being *twenty-five pounds eighteen shillings and eleven pence two farthings*, which residue he did not collect until the year 1779; and praying the same may be remitted unto him, or that he might pay the residue at the depreciation in *October*, 1779, for reasons set forth in said petition:

Resolved, That the Treasurer be, and he hereby is ordered and directed to receive of the said *Thomas Pease*, the sum of *twelve pounds fifteen shillings*, in State notes, payable in the tax called number four, issued one thousand seven hundred and eighty-four, and that the Treasurer on receiving the aforesaid sum of *twelve pounds fifteen shillings*, give the said *Thomas Pease* a discharge from said tax.

CXC.

Resolve on the petition of *Thomas B. Richmond*, granting him *three pounds three shillings*, for his services as Clerk to the Committee of valuation.
March 24, 1786.

On the petition of *Thomas B. Richmond*, setting forth that he served as Clerk to the Committee on valuation, and paying an allowance for that service:

Resolved, That there be allowed and paid out of the public treasury, to the said *Thomas B. Richmond*, *one shilling* per day while in said service, amounting to the sum of *two pounds three shillings*, in full therefor.

Resolve

CXCI.

Resolve on the petition of *Paul Reed*, of *Boothbay*, to notify the adverse party to shew cause, &c. *March* 24, 1786.

Upon the petition of *Paul Reed*, of *Boothbay*, shewing that in the year 1781, he took a schooner, commanded by one *Robert Douglass*, for which he was prosecuted by one *Billings Putnam*, in which prosecution he lost his law, and prays for a rehearing.

Resolved, That the said *Paul Reed*, notify the said *Billings Putnam* to shew cause, if any he has, on the second Wednesday of the first session of the next General Court, why the prayer of said petition should not be granted, by causing the said *Billings Putnam* to be served with an attested copy of the said petition, and this order thereon, at least fourteen days before the said second Wednesday, and that execution against said *Paul Reed*, be stayed in the mean time.

CXCII.

Resolve on the petition of *Thomas Osborne*, empowering him to make sale of the house mentioned. *March* 24, 1786.

On the petition of *Thomas Osborne*, praying for licence to make sale of a certain dwelling-house, in *Boston*, which he sometime since purchased with his own property, and took a deed of the same, in the name of his children.

Resolved, For reasons set forth in said petition, that the prayer of the petition be granted, and that *Thomas Osborne*, the petitioner, be, and he is hereby authorized and empowered, to make sale of the house and land mentioned in the said petition, and make and execute a good and lawful deed or deeds of the same, to the purchaser or purchasers, in the same manner (and such deed or deeds shall have the same effect in law, to all intents and purposes) as if the deed referred to in the said petition, had been taken by the petitioner in his own name, provided that the petitioner shall, previous to executing a deed or deeds as aforesaid, satisfy and pay unto *John Osborne*, the sum of money due to him, with interest thereon, for which the said premises are mortgaged for security, and not otherwise.

CXCIII.

Resolve on the petition of *Reuben Kimbal*, referring the consideration of said petition, to the third Wednesday of the first session of the next General Court. *March* 24, 1786.

On the petition of *Reuben Kimbal*, setting forth that he was Collector of beef, in the county of *Middlesex*, in the year of our Lord 1781, that he supplied the Government with a quantity of beef, which ought to have been credited to the town of *Sudbury*, but was not; in consequence whereof execution has issued in favour of the Commonwealth, against the said town of *Sudbury*, and also in favour of said town of *Sudbury*, against the said *Kimbal*.

Resolved, That the consideration of the said petition be referred to the third Wednesday of the first session of the next General Court, and that all proceedings, by virtue of the abovementioned execution, be in the mean time stayed.

CXCIV.

Resolve on the petition of *Benjamin Tupper*. *March* 24, 1786.

On the petition of *Benjamin Tupper*, praying that one quarter part of the sum of *one hundred and four pounds, twelve shillings*, which the town of *Chesterfield* was charged with, when the town of *Gosben* was incorporated, may be charged to the said town of *Gosben* :

Ordered, That the petitioner notify the town of *Gosben*, by serving the Clerk of said town with an attested copy of this order, to appear on the second Wednesday of the next setting of the General Court, to shew cause (if any they have) why the said town of *Gosben* should not be charged with the contents of an execution, and the costs which have arisen thereupon, which has issued against the town of *Chesterfield* for a failure in the same town, before the incorporation of the said town of *Gosben* in complying with a requisition for beef, in the year 1783 ; and it is hereby *ordered*, that the execution aforesaid be stayed in the mean time.

CXC.V.

Resolve on the petition of *Reuben Taylor*, directing the Treasurer to issue notes to the amount of the wages due to him. *March* 24, 1786.

On the petition of *Reuben Taylor*, setting forth that the balance of wages, &c. that were due to him for service in Col. *Putnam's* regiment, in the year seventeen hundred and eighty, to the amount of *forty-four pounds, twelve shillings and three pence*, in specie notes, were drawn by one *Amos Dix*, on an order which was forged, as appears by the oath of said *Taylor*.

Resolved, That the Treasurer be, and he hereby is directed to issue a note or notes to the said *Reuben Taylor*, to the amount of the wages due to him as aforesaid, in the manner prescribed by law.

CXC.VI.

Resolve on the petition of *James Perry*, Esq; granting *one hundred and sixty-three pounds, fifteen shillings and ten pence*. *March* 24, 1786.

On the petition of *James Perry*, Esq; setting forth that he supplied the late Board of War, with a quantity of hollow ware in *July*, 1778, and that the sum of *one hundred and sixty-three pounds, fifteen shillings and ten pence*, specie, still remains due therefor, and praying for payment of the said balance :

Resolved, That the Treasurer be, and he is hereby directed to pay the sum of *one hundred and sixty-three pounds, fifteen shillings and ten pence*, out of the public treasury, to the said *James Perry*, Esq; *one hundred pounds* thereof, by an order upon the Committee on the sale of absentees estates in the county of *Bristol*, and the remainder in such way as may be convenient.

Resolve

CXCVII.

Resolve to have a waggon road over *Hoosuck-Mountain*, directing the Committee for the sale of unappropriated lands in *Berkshire*, to pay certain monies for this purpose, and appointing a Committee to view the said road, &c. *March* 24, 1786.

Whereas it appears to this Court, that it may be of public utility; and considerably enhance the value of the lands belonging to this Commonwealth on *Hoosuck-Mountain*, to have a waggon-road made across the same :

Therefore *Resolved*, That the Committee for the sale of the unappropriated land belonging to this Commonwealth, in the county of *Berkshire*, be, and they are hereby directed, to pay out of the monies arising from the sale of the lands aforesaid, lying on the said *Hoosuck-Mountain*, *one hundred and seventy-five pounds*, to such person or persons who shall, on or before the first day of *December*, 1787, make and compleat a good waggon road from the west line of *Charlemont*, across the said mountain, to the easterly line of the town of *Adams* ; and shall erect and compleat a good bridge over *Deerfield-River*, at the place where the said road shall cross the same river.

And it is further *Resolved*, That *Thompson J. Skinner* and *Samuel Taylor*, Esqr's. and *Mr. Reuben Henman*, be, and hereby are appointed a Committee to view the said road, judge and determine whether the said bridge and road are compleated in such manner as to answer the true intent and meaning of this resolve ; and no person shall be entitled to receive payment as aforesaid, unless a certificate shall be produced, signed by the last mentioned Committee, that the said road and bridge are compleated in manner aforesaid : and the Committee for the sale of lands aforesaid, are hereby authorized and directed to make sale of so much of the said lands, as shall be sufficient to enable them to pay the said sum of *one hundred and seventy-five pounds*, to such person or persons, as shall make and compleat the said road and bridge, by the said first day of *December*, 1787, and produce a certificate thereof from the Committee as aforesaid, any resolve of this Court, for postponing the sale of the aforesaid lands, notwithstanding.

CXCVIII.

Resolve on the Governour's Message, requesting him to transmit to Congress, an attested account of the number of inhabitants within this Commonwealth. *March* 24, 1786.

Resolved, That his Excellency the Governour be, and he hereby is requested to transmit to Congress, an attested account of the number of inhabitants within this Commonwealth, a return of which hath been made into the Secretary's office, pursuant to an act and resolution of the Legislature, and also an attested copy of the act and resolution, requiring the said return.

Reolve

CXCIX.

Resolve on the Governour's Message, respecting the appointment of Delegates to meet in convention for the purpose of forming commercial regulations.

March 24, 1786.

Whereas information has been received that the General Assembly of the State of *Virginia*, have passed a resolution, appointing certain persons therein named, as Commissioners in behalf of the said State, to meet such Commissioners as may be appointed by the other States in the Union, for the purpose of taking into consideration the trade of the United States; and to report to the several States, such an act relative thereto, as will best promote the commercial interest of the United States.

Resolved, That the Honourable *Caleb Davis*, *Benjamin Goodhue*, and *Trijbran Dalton*, Esquires, and *John Coffin Jones*, Esq; together with those persons who are or may be constituted Agents in behalf of this Commonwealth, to conduct and prosecute our claims to lands controverted by *New-York*, and lying to the westward of that State, be, and they are hereby appointed Commissioners on the part of this Commonwealth, who, or any three of whom, are hereby authorized and empowered to meet such Commissioners as may be appointed by the other States in the Union, at *Annapolis*, on the first Monday in *September* next, for the purpose of considering the trade of the United States,—to examine the relative situations and trade of the said States,—to consider how far an uniform system in their commercial regulations may be necessary to their common interest, and their permanent harmony; and to report to the United States in Congress assembled, such an act relative to this great object, as when agreed to by them, and confirmed by the Legislature of every State, will enable the United States in Congress assembled, effectually to provide for the same.

And it is further *Resolved*, That his Excellency the Governour be requested to give notice to the Supreme Executives of the several States in the Union, of the concurrence of this Commonwealth in the measure proposed by the State of *Virginia*, for the purposes aforesaid.

CC.

Resolve discharging *Samuel Phillips*, jun. and *Nathaniel Wells*, Esq's. of the sum mentioned, and granting the Committee *three hundred pounds*, to enable them to prosecute the business of unappropriated lands, and making them an allowance for their services. *March 24, 1786.*

The Committee to whom was referred for examination, the accounts of two of the Committee for the sale of unappropriated lands in the county of *Lincoln*, and their report relative to their transacting the business committed to their charge, after carefully inspecting into the same, find the accounts exhibited by them, to be right cast and well vouched, and by which there appears to be a balance of *forty-nine pounds seven shillings and nine pence*, in favour of this Commonwealth, for which they are still to account; they

they also find that a further grant of *three hundred pounds* is necessary to enable them to continue the prosecution of their commission; and from a view of the magnitude of the object for which they were appointed; and notwithstanding the perplexity attending its prosecution; they find that by the assiduity of the aforesaid Committee, a considerable progress is already made in the business of their commission, by which the Commonwealth will probably derive those advantages, which may reasonably be expected.

Resolved, That *Samuel Phillips*, jun. and *Nathaniel Wells*, Esq's. the two of the Committee abovementioned, be, and they are hereby discharged of the sum of *one thousand and fifty-three pounds eighteen shillings and seven pence half penny*, which they have received of the Treasurer of this Commonwealth, saving the balance of *forty-nine pounds seven shillings and nine pence*, for which they continue to be accountable.

And it is further *Resolved*, That the sum of *three hundred pounds* be paid out of the treasury of this Commonwealth, unto *Samuel Phillips*, jun. *Nathaniel Wells* and *John Brooks*, Esq's. the Committee on the subject of unappropriated lands, to enable them to continue the prosecution of their business, they to be accountable for the expenditure of the same.

And be it further *Resolved*, that there be allowed and paid out of the treasury of this Commonwealth, unto *Samuel Phillips*, jun. and *Nathaniel Wells*, Esq's. the sum of *one hundred and fifty pounds* each, as a full compensation for their services aforesaid, from the 28th of *October*, 1783, to the time of passing this resolve.

CCI.

Resolve requesting the Governour and Council to consider the best method to be adopted for the coining of silver and coppers of the several sorts of coin. *March* 24, 1786.

Whereas application hath been made to this Court, by divers persons, praying for a right of coining coppers in this Commonwealth.

Resolved, That his Excellency the Governour and the Honourable the Council, be, and they are hereby requested to consider of the expediency of coining silver and copper, in this Commonwealth; and if in their opinion it is expedient that either be coined, that they consider what quantity it will be convenient to coin, in what mode the business should be conducted, the proper devices to be used, and the advantage that may accrue from such coining, to this Commonwealth, and to make such communications on this subject, to the General Court, at the next session, as they may think conducive to the interest of the State.

CCII.

Resolve on the petition of a number of the inhabitants of the town of *Medfield*, *Wrentham*, *Roxbury*, &c. respecting the passage of the fish up *Charles* river, appointing a Committee to repair to the places where the obstructions are, &c. view the same and report. *March* 24, 1786.

On the petition of a number of the inhabitants of the towns of *Medfield*, *Wrentham*, *Roxbury*, *Dedham*, *Newton*, and *Medway*, praying that an enquiry may be made, respecting the passage of the fish up *Charles* river, for reasons set forth in the said petition.

Resolved, The prayer thereof be so far granted, that *Elisba May*, *Daniel Whitney*, and *Seth Bullard*, Esq's. be a Committee, to repair to the places where the obstructions are, carefully view the same, hear all the parties, (previously notifying all concerned) and report at the next sitting of the General Court, what measures may be necessary to be taken thereon; provided however, that the petitioners agree to defray the charge of the Committee aforesaid.

CCIII.

Resolve directing the Treasurer to sell the old Continental money. *March* 24, 1786.

Resolved, That the Treasurer of this Commonwealth be, and he hereby is authorized and empowered to exchange the whole or any part of the old Continental money, now in the treasury of this Commonwealth, on the best terms that he can, for the certificates called final settlements, or the certificates of any other liquidated debts of the United States.

Provided, That the Treasurer shall not exchange the same at a less rate than *fifty* of the said *Continental* dollars, for *one* dollar of final settlement certificates, on which the interest is due from the year 1783.

CCIV.

Resolve respecting Collectors of public taxes, and directing the Secretary to forward copies of this resolve, to the several towns. *March* 24, 1786.

Whereas by a law passed the 23d day of *March*, 1784, all Collectors of public taxes were directed to render an account of their collections, and the money by them paid into the public treasury, once every two months, and as it is necessary that the state of the collection of public taxes should be known to the Treasurer:

Resolved, That the Selectmen, and where there are no Selectmen, the Assessors of each town, district and plantation, in this Commonwealth, be, and they are hereby directed to call on the Collectors of their respective towns, districts and plantations, to render an account of their collections, and the money by them paid, from time to time, agreeable to said act; and the Selectmen and Assessors, are further directed to return into the Treasurer's office, from time to time, the particular state of the collections and payments made by such Collectors.

And it is further *Resolved*, That the said Selectmen and Assessors shall call on the said Collectors to render to them an account of the monies by them paid to the Treasurer, and to the Sheriffs of their respective counties, previous to the tenth day of *February* last, which shall by the said Selectmen and

and Assessors, be returned into the Treasurer's office, on or before the first day of *June* next.

And it is further *Resolved*, That the Secretary be, and he is hereby directed to send copies of this resolve to the several towns, districts, and plantations in this Commonwealth, with the tax-act, passed at the present sitting of this Court.

CCV.

Resolve on the petition of *David Sanger*, granting him *nine pounds ten shillings, and one penny half-penny*, in full discharge of the sum mentioned. *March 24, 1786.*

On the petition of *David Sanger*, administrator on the estate of *Samuel Sanger*, late of *Watertown*, deceased :

Resolved, That the prayer of the petition be granted, and that there be allowed and paid out the public treasury of this Commonwealth, unto *David Sanger* of *Watertown*, administrator on the estate of the late *Samuel Sanger*, deceased, the sum of *nine pounds, ten shillings and one penny half-penny*, in full discharge of the same sum contained in a resolve of the General Court, *November 7, 1775.*

CCVI.

Resolve respecting five hundred acres of land unappropriated, adjoining to the town of *Westminster*, appointing a Committee to dispose of the same at public or private sale, and to give good deeds, and to pay the same into the treasury. *March 24, 1786.*

Whereas it appears that there is about five hundred acres of land adjoining to the town of *Westminster*, which is the property of this Commonwealth, a plan of which is on the files of the General Court :

Resolved, That *Abner Holden*, Esq; be, and he hereby is authorized and empowered, to make sale of the said tract of land at public or private sale, for public securities of this Commonwealth; to such person or persons, as shall be willing to purchase the same, and for such sum or sums as he may think is the most that can be procured therefor, after having given one month's notice of the sale thereof in the *Worcester* newspaper, and in the towns adjoining to said land, and by posting up advertisements of the same therein ; and the said Committee are thereupon empowered to execute a good and sufficient deed or deeds of said land to the purchaser or purchasers, with six months credit, if it should be found necessary, he giving good security for the payment of the securities said land shall be sold for ; and he is directed and required when he shall have received such securities, as soon as may be, to pay the same into the public treasury of this Commonwealth ; and the Treasurer is directed to receive the same, and to give duplicate receipts therefor, one of which to be lodged in the Secretary's-office.

CCVII.

Resolve on the petition of *Benjamin Latham*, empowering the Justices of the Supreme Judicial Court, to vary the sentence mentioned. *March 24, 1786.*

On the petition of *Benjamin Latham*, praying that he may be sentenced to hard labour on *Castle-Island*, in lieu of a confinement in goal :

Resolved, That the Justices of the Supreme Judicial Court be, and they hereby are empowered and fully authorized, to vary their former sentence agreeably to the prayer of the said petition, and to sentence the said *Latham* to a performance of hard labour on *Castle-Island*, for so long a term as they shall judge fit, in lieu of his present confinement in goal.

CCVIII.

Resolve providing a fund for paying the Judges of the Supreme Judicial Court. *March 24, 1786.*

Resolved; That such part of the monies as may accrue, and be received into the treasury, by virtue of an act passed *July 2d, 1785*, for repealing a law of this Commonwealth, entitled, "An act imposing duties on licenced vellum, parchment and paper, and for imposing other duties on certain papers, commissions and processses," as shall be amply sufficient for the payment of the salaries of the Justices of the Supreme Judicial Court, be, and hereby are appropriated to that purpose, for the space of one year, and no longer; and the Treasurer and Receiver-General of this Commonwealth, is hereby directed to pay the warrants, that are, or may be drawn on him by the Governour, for the time being, with advice and consent of Council, for one year's salary of the said Justices, from the monies he may receive in consequence of the said act:

B O S T O N :

PRINTED BY ADAMS AND NOURSE,

Printers to the Honorable GENERAL COURT.

M, DCC, LXXXVI.

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Boston Suffolk

RESOLVES

OF THE

GENERAL COURT

OF THE

COMMONWEALTH

OF

MASSACHUSETTS.

Begun and held at *Boston*, in the County of *Suffolk*, on
Wednesday the Thirty-First Day of *May*, Anno
Domini, 1786.

B O S T O N :

PRINTED BY ADAMS AND NOURSE,

Printers to the Honorable GENERAL COURT.

M,DCC,LXXXVI.

R E S O L V E S
OF THE
G E N E R A L C O U R T
OF THE
C O M M O N W E A L T H
O F
M A S S A C H U S E T T S :

Together with the MESSAGES of his Excellency the
Governour to the said Court :

Begun and held at *Boston*, in the County of *Suffolk* on
Wednesday the 31st Day of *May*, *Anno Domini*, 1786.

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HIS HONOUR

THOMAS CUSHING, Esq; Lieutenant-Governour.

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 Lee, Ebenezer Jenkins, Esq;
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THURSDAY, June 1, 1786.

The committee of both Branches of the Legislature, appointed to examine and count the votes returned for Governour and Lieutenant-Governour, for the year ensuing, reported the whole number for Governour to be 8231, of which his Excellency *James Bowdoin*, Esq; had 6001—and for Lieutenant-Governour, the whole number to be 7429, whereof his Honour *Thomas Cushing*, Esq; had 5651. A committee of both Houses having waited on his Excellency and his Honour, and informed them of their election, a time was assigned for declaring their acceptance, and qualifying themselves agreeable to the constitution. At four o'clock, P. M. they accordingly met both Houses, convened in the Senate-Chamber, when his Excellency addressed them as follows :

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

THE election to any respectable office, when made by a free, independent, and enlightened people, is an honour to the subject of it ; and the honour rises in proportion to that respectability.

This reflection excites in my mind the warmest sentiments of respect and gratitude to my brethren, the good people of this Commonwealth, for the distinguishing honour they have conferred, by placing me in the Chair of Government. As it demonstrates their approbation of my past administration, it will be a stimulus to perseverance in that line of conduct, which has been honoured with it.

Permit me, Gentlemen, to thank you for the polite manner, in which you have notified me of the election ; and to assure you, that I shall most readily co-operate with you, in every measure contributive to the happiness and prosperity of the Commonwealth.

In confidence of your aid upon all necessary occasions, I accept the important office, to which the public suffrages has called me ; and am ready to comply with the qualifying pre-requisites pointed out by the Constitution.

JAMES BOWDOIN.

SENATE-CHAMBER, June 1, 1786.

Then his Honour addressed the Legislature, as follows :

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

YOUR Message by a very respectable Committee, informed me that upon examining the returns of the votes from the several towns in this Commonwealth, it appears I have been elected by the suffrages of the people, Lieutenant-Governour for the year ensuing.

I have a due sense of the honour conferred upon me by the people, in this appointment, and feel myself under a renewed obligation to serve them to the utmost of my abilities. I have so repeatedly received marks of their approbation and confidence, that I should esteem myself to be greatly de-

ficient in gratitude as well as duty, if they did not stimulate me to more strenuous exertions than ever, to promote the best interest of the Commonwealth, and to discharge the trust reposed in me, with fidelity and impartiality.

I am obliged to you, Gentlemen, for the polite manner in which you have acquainted me with this appointment. I now declare my acceptance of it, and am ready to take the oaths and subscribe the declarations required by the Constitution.

THOMAS CUSHING.

SENATE-CHAMBER, June 1, 1786.

They then took the oaths (administered by the Honourable President of the Senate) and subscribed the declarations required by the constitution:— after which, by the President's command, the Secretary of the Commonwealth proclaimed

His Excellency JAMES BOWDOIN, Esquire,
to be elected Governour and Commander in Chief:

And His Honour THOMAS CUSHING, Esquire,
Lieutenant-Governour of this Commonwealth, for the year ensuing:— of which all officers, civil and military, are required to take notice, and govern themselves accordingly.

FRIDAY Noon, June 2, 1786.

The time and place having been previously settled, the Governour met the two Branches of the Legislature in the Chamber of the Representatives, when his Excellency thus addressed them:

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,
AGREEABLY to the request of the last General Court, I transmitted to your Delegates in Congress a copy of the several papers that relate to the transactions of the commissioners for settling the eastern boundary line of *New-York*; and of the Court's resolve, giving them certain powers for effecting a settlement of the interfering claims of the two States to lands in the western territory.

With respect to the first, I desired those gentlemen to communicate the papers to the new commissioners, appointed by Congress to run that line; and to procure from them the needful information of the time they would attend on this business: the time mentioned in their first letter, being rendered precarious by their second letter: in consequence of which those papers were transmitted: But no further information has been yet received from them on the subject. One of the Agents appointed on the part of this State, the honourable Mr. *Sedgwick*, informs me by his letter of the first instant, that his prior engagements to the government as a Delegate in Congress, and his obligations to his colleagues, render his attention to this business

business impracticable; and he is therefore obliged, though with reluctance, to decline the honour of the appointment. Perhaps, Gentlemen, you may think it proper to appoint another Agent in his stead.

With respect to the interfering claims of the two States, I have received a letter from our Delegates, dated the 19th instant, enclosing a copy of a supplementary act of the legislature of *New-York*, passed the 28th of *April* last, appointing seven gentlemen Agents for vindicating the right and jurisdiction of that State against the claims of this State: and any five or more of them are by that act empowered to settle the controversy between the two States, otherwise than by the Federal Court, in such manner as they shall judge most conducive to the interest of that State. You will consider Gentlemen, whether it would not be eligible to give the Agents on our part similar powers: and whether in that case the probable consequence would not be a speedier decision of the controversy.

Among the subjects, that claim your attention, Gentlemen, the University at *Cambridge* is not the least important. The encouragement of literature, and the diffusion of knowledge, were among the first cares of our worthy ancestors. After providing the common means of instruction, they instituted *Harvard-College*, which from that time to the present has amply answered the end of its institution.

It has always been under the patronage of the General Court, who from time to time have made grants for the support of its President and Professors. The last grant for that purpose was in *June*, 1784, for their salaries to the preceeding *January*.—With you Gentlemen, who must be sensible of the great benefits derived to the Commonwealth from that institution, there can be little occasion of using arguments for continuing those grants. The meer representation of the arrearage, I am persuaded, will induce you to provide for the payment of it: especially as the Constitution declares, that “it shall be the duty of legislators and magistrates, to cherish the interests of literature and the sciences, and all seminaries of them, especially the University at *Cambridge*.” Considering too, that in most of the United States there is now a remarkable disposition in favour of literature and science: for promoting and encouraging of which, there appears among them a most laudable spirit of emulation.

Under the regal government, to which, it is hoped, the republican will in no instance be inferior, those grants were regularly made. Besides which, about twenty years before, and down to, the time of its abolition, there was in every new-granted township one share reserved for, and granted to, *Harvard-College*, exempted from all taxes: and similar reservations were intended to be made in all after-grants of townships, until the College-estate should produce a yearly income so large, as that all further grants both of land and money might, with propriety and without discouraging literature, be discontinued.

I would recommend it to your consideration, Gentlemen, whether, upon these principles, it would nor be proper to confirm to the College all the land-grants, that have been made to it as above-mentioned; and to secure to it one share in such townships as may hereafter be granted.

Another

Another subject, and a most important one, that requires your immediate attention, Gentlemen, is a resolution of Congress of the 15th of *February* last; most earnestly recommending to the deficient States an immediate and full compliance with the revenue system proposed by that honourable Body by their act of the 18th of *April*, 1783.—I communicated it to the General Court at their last session: but they thought proper to refer it to the consideration of the present General Court.

Among the States, which have only in part acceded to that system, is the Commonwealth of *Massachusetts*: whose Legislature, with the Legislatures of the other deficient States, is with unusual anxiety, and with a solemn earnestness, called upon by Congress to pass laws in full conformity to it. They urge a compliance from motives and considerations of great moment, which must make a deep impression on every one, who has a real concern for the honour and happiness of the United States: and if a better system cannot be proposed, this single consideration, that our freedom and independence were purchased by the debt it was intended to discharge, should invigorate every exertion to carry it into execution.

Some of the States do not seem sufficiently sensible, that the freedom and independence, thus derived to them, have given them a new and important character—a national character, from which, as relative to each other individually, and to the united body collectively, new duties have originated, which they are indispensibly held to perform; and some of which are expressly pointed out by the Confederation.

By the Confederation the States respectively do solemnly pledge and engage their faith, to abide by the determinations of Congress on all questions, which by the Confederation are submitted to the decision of Congress; and that the articles of it shall be inviolably observed.

By those articles Congress have authority to borrow money on the credit of the United States; to ascertain the necessary sums to be raised for the service of the States; and to appropriate and apply the same for defraying the expence of that service; and the several States are held to supply those sums in certain proportions; for paying which, taxes shall be laid and levied by the authority of their respective Legislatures, within the time agreed upon by Congress,

Upon the faith and promise of the United States, thus pledged and engaged, and to carry on the war, Congress procured loans from *France*, *Spain* and *Holland*, and from citizens of the States, which, with other charges incurred by the war, amount to a considerable sum. The nations and individuals, to whom this sum is due, have a right to expect, and they do expect, that it will be paid according to that pledge and engagement: and the several States in the Union are under every obligation of justice, honour and good faith, to exert their utmost ability for that purpose. And you will permit me to add, that it is particularly incumbent on you, Gentlemen, as the Legislature of this State, to make provision for the payment of our proportion of that debt.

To extinguish the debt, a mode is pointed out by the revenue system above-mentioned, which Congress, after the most mature deliberation, declares.

clares to be the best in their power to propose. It recommends to the several States to invest Congress with a power to levy, for the use of the United States, certain duties upon goods imported into the said States from any foreign port. And also to establish, for twenty-five years, and to appropriate to the discharge of the debts contracted on the faith of the United States, substantial and effectual revenues, of such a nature as they may judge most convenient, for supplying their respective proportions of one million and five hundred thousand dollars annually, exclusive of the aforesaid duties: provided, that until the rule of the Confederation (or some other rule) can be carried into practice, the proportions of the said sum shall be as mentioned in the Revenue Act: which assigns to this Commonwealth the annual proportion of two hundred twenty-four thousand four hundred and twenty-seven dollars.

The former part of this recommendation has been complied with by the Legislature of this State; with this deviation, however, that instead of empowering Congress, they have by an Act of their own laid the recommended duties: subject to this proviso, conformably to the recommendation, that the Act shall not operate, until all the United States have passed acts for imposing the like duties.

The resolutions of Congress relative to this business, together with a message of the 27th of *February* last, to the General Court, on the same subject, are on the files of the Court, and to which you will please to be referred.

The Commissioners of the Treasury of the United States have transmitted a book, containing their account of taxes with each particular State exclusive of specifick supplies, stated to the first of *November* last: and also an account of those supplies, that have been demanded of each State. It would have been communicated to the General Court at their last session, had it not, by some accident, been mislaid. The former account includes taxes and credits, for Old Emission dollars, New-Emission and specie dollars, and the balances due in each.

With respect to the first mentioned account with *Massachusetts*, there was a balance due from this State in the Old Emission. On finding it right, and a much larger sum of the Old Emission dollars being in the Treasury, a warrant was immediately issued on the Treasurer to pay that balance to the Loan-Officer of the United States: and it has been accordingly paid. There is the appearance of a large balance of New-Emission dollars due from this State: but when we are credited, for the payments made by the late Treasurer *Gardner*, for the sums cancelled, or burnt, by a committee of the General Court, and for what the present Treasurer has in hand, the remaining balance will be comparatively small, and may in a short time be wholly paid, if the extant taxes intended to redeem that emission, be properly called for.

The balance in specie appears also to be large: but it will be greatly reduced, when all the sums paid are credited, and the account in other respects properly adjusted. The State however, is, with regard to this balance, considerable in arrear, and the Loan-Officer has been with me, requesting,

that I would represent to the General Court the urgent necessity, which presses for the speedy payment of it—Upon this head I sent messages to the General Court, dated the 24th of *October*, the 3d of *November*, and the 3d of *February* last, accompanied with several letters from the Commissioners of the Treasury, and Mr Secretary *Thomson*; together with a resolution of Congress of the 12th of *October*, which are all upon the same subject; earnestly urging the payment of arrearages, due on the several requisitions of Congress prior to the last; and representing, in very forcible terms, the evil consequences that must result from delay. By recurring to those papers, Gentlemen, you will see the great importance of fully complying with those requisitions; and must be induced to take vigorous measures for enforcing the collection of the taxes laid for that purpose.

At the same time, Gentlemen, you are providing means for complying with the requisitions of Congress, you will naturally take into consideration the state of our own particular debt. A general view of it was exhibited to the last Court; and you can at pleasure recur to that exhibition.

It is particularly necessary you shall attend to the state of the debt, as it respects the last and present year. Among other purposes, the last tax-act provides for the redeeming of *one hundred thousand pounds* of the army notes: going upon the idea, that that sum would redeem the whole remainder. But there will still be a remainder of *ten thousand one hundred and fourteen pounds four shillings and four pence* of those notes, for the redemption of which the act does not make provision. That remainder, however, need not for the present be considered, as the sale of State lands, and some other means, already provided, may be sufficient to redeem it.

Of the consolidated securities, issued by the Treasurer, there is *one hundred seven thousand five hundred and ninety-five pounds seventeen shillings and eleven pence half-penny*, that was payable the last year: which, with *three hundred forty-five thousand four hundred and eighteen pounds nineteen shillings and eight pence half-penny* of the like securities, payable the present year, makes *four hundred fifty-three thousand and fourteen pounds seventeen shillings and eight pence*: the greatest part of which is now payable, and the whole will be so, at the end of the year, besides the interest that will then be due.

The payment of these securities is provided for by five taxes laid on the year 1785, for *four hundred twenty-three thousand two hundred and fifty pounds*; and by four taxes on the present year for *three hundred eighty-six thousand two hundred and fifty pounds*: for which taxes the Treasurer is empowered and directed to issue his warrants, in case the General Court should not, by the first of *July* in each year, agree upon a tax-act for apportioning those taxes upon the Commonwealth. The acts laying those taxes were passed the 17th of *February*, the 15th of *May*, and the 5th of *July*, 1781; and the 25th of *March*, 1783: and it will be the duty of the Treasurer after the first of *July* next, to issue his warrants for apportioning and collecting them, at least to the amount of the aforesaid sum of *four hundred fifty-three thousand and fourteen pounds seventeen shillings and eight pence*, exclusive of the interest. The reason why the taxes so much exceed the

the debt they were intended to discharge, may be conjectured, from an act passed the 6th of *March*, 1782 : by which an alteration was made in the time of payment of government securities issuable, and some of which had been issued, by virtue of anterior acts. The payment was postponed a year without a correspondent postponement of the taxes.

It would be for the honour and reputation of the Government, if its debt could be paid at the several times it will become due. But if the tax laid upon the present year by the last tax-act of *three hundred thousand four hundred and thirty-nine pounds one shilling and three pence*, connected with the sum aforesaid, exceeds the ability of the Commonwealth, concerning which you, Gentlemen, are the judges, would it not be advisable to propose to its creditors a system of payment, by which certain proportions of the debt, to which the public ability would be equal, should be annually paid; until the whole be extinguished? If this, Gentlemen, should be your opinion, you may think it proper to extend the proposal to the remaining creditors of the Commonwealth : to whom there will be due on consolidated securities, in 1787, including the debt to a mercantile house in *France*, *three hundred fifty-eight thousand five hundred and fifty-one pounds fifteen shillings and eight pence half-penny*; in 1788, *three hundred forty-five thousand four hundred and eighteen pounds nineteen shillings and eight pence half-penny*; and in 1789, *two hundred thirty-seven thousand eight hundred and twenty-three pounds one shilling and nine pence*. The amount of all the consolidated securities, that have been issued by the Treasurer, and are now extant, according to a memorandum I have had from him, is *one million three hundred ninety-four thousand eight hundred and eight pounds fourteen shillings and ten pence*, exclusive of interest.

For the payment of the first sum, taxes are laid on the year 1787 for *three hundred eighty-six thousand two hundred and fifty pounds*—and for the payment of the two last mentioned annual sums, both amounting to *five hundred eighty-three thousand two hundred and forty-two pounds one shilling and five pence half-penny*, taxes are laid on the year 1788 for *three hundred eighty-six thousand two hundred and fifty pounds*—which, with the surplusage taxes laid on the years 1785 and 1786, are the funds for securing that payment.

This, Gentlemen, is the state of the domestick debt as it stood the 27th of the last month; and these are the funds for the payment of it. There will be some addition to be made to it, as all the accounts relative to the *Penobscot* expedition, and other matters of charge, have not yet been settled. It is justly expected however, that the cost of that expedition will be allowed to us by Congress.

A well-digested system of payment, supported and recommended by proper tax-acts, with such provisions as would insure a punctual payment at the stipulated times, would probably meet the approbation of the creditors of the Commonwealth; and be acceptable to the people in general. In that case, the former would receive their debt in reasonable proportions at the stipulated times; and the latter be relieved, not only by a division or distribution of the taxes upon a number of years, but by the encreasing population;

lation ; which would annually supply new and additional subjects to bear a part of the taxation.

If, however, by a vigorous exertion, we could cancel the domestick debt, within the time, at which the securities of the remotest payment are payable, *viz*, 1789, transferring to that year a sufficiency of the overplus tax of the last and present year, and annihilating the rest of the overplus, it might be more for the benefit of the Commonwealth than to procrastinate it.—This cancellation being effected, and all our finance-resources directed to one point, ways and means might be found to supply our proportion of the foreign debt without much difficulty.

Such an exertion, founded on the unalterable principles of rectitude, and commutative justice—a basis, on which the happiness and prosperity of nations, as well as of individuals, so essentially depend—would be productive of great effects ; and systematically pursued, would in a short time, not only greatly reduce the debt ; but proportionably advance the credit and reputation of the Commonwealth.

There are other matters, Gentlemen, which require your consideration, and which I shall communicate to you by message.

The letters and papers, referring to those above-mentioned, will be delivered to you by the Secretary.

JAMES BOWDOIN.

COUNCIL-CHAMBER, June 2, 1786.

I.

Resolve on the petition of *Mary* and *Nathaniel Bethune*, directing the Treasurer to sign and issue to the executors mentioned, State notes to the amount of the notes referred to. June 6, 1786.

On the petition of *Mary Bethune*, and *Nathaniel Bethune*, executors of the last will and testament of *George Bethune* deceased, praying for liberty to receive new notes, in lieu of old ones, to be delivered up to the Treasurer of this Commonwealth, as is fully set forth in their petition :

Resolved, That the prayer of said petition be granted, and that the Treasurer of this Commonwealth be, and he hereby is ordered and directed, to sign and issue to the said executors, State notes, to the full amount of the notes first referred to, in their petition : the notes to be issued in such sums, and made payable to such persons as the said executors, or any one of them may direct, and to bear date, and be of like tenor with those that shall be delivered up by said executors ; the notes to be delivered up by said executors, the Treasurer is to deface and put on file in the Treasurer's office as cancelled.

II.

Order for Secretary to purchase journals of Mr. *Tbayer*. June 6, 1786.

Ordered, That the Secretary purchase of Mr. *Tbayer*, the journals of the House of Representatives, from the year 1730 to the year 1773, at *twenty-four shillings*, per. volume.

Resolve

III.

Resolve on the petition of *Daniel Cony*, in behalf of the town of *Hallowell*, authorizing the Treasurer to receive of *Robert Kennedy* and *Abishai Cowing*, the balance of the taxes mentioned. June 6, 1786.

On the petition of *Daniel Cony*, in behalf of the town of *Hallowell*, and *Robert Kennedy*, one of the Collectors of taxes in the said town :

Resolved, That the Treasurer of this Commonwealth, be, and he is hereby authorized, empowered and directed, to receive of *Robert Kennedy*, and *Abishai Cowing*, the balance of the taxes committed to them to collect in the town of *Hallowell*, in the county of *Lincoln*, for, and previous to the year one thousand seven hundred and seventy-nine, in paper money, on his, the said *Kennedy's* making oath agreeably to a resolution of the General Court for said purpose :

And it is further *Resolved*, That the sum of *one hundred and sixty-two pounds ten shillings*, being the balance due from the said town of *Hallowell*, to the Commonwealth, for taxes (called the beef taxes) be abated to the said town of *Hallowell*, for reasons set forth in the said petition, any law or resolve to the contrary notwithstanding.

IV.

Resolve on the petition of *Israel Reed*, of *Littleton*, authorizing two Justices, to licence him to keep tavern. June 7, 1786.

On the petition of *Israel Reed*, of *Littleton*, in the county of *Middlesex*, praying that he may be licenced as an innholder, in the house to which he has removed :

Resolved, That the prayer of the petition be granted, and that any two Justices of the Peace, *Quorum unus*, in the county of *Middlesex*, be, and they are hereby authorized and empowered to grant a licence to the petitioner, to keep a public tavern, until the next sitting of the Court of General Sessions of the Peace for granting licences in said county of *Middlesex*, and the said Justices, are hereby required to recognize said petitioner to observe such rules and orders as the law, in such cases, require to be done and performed.

V.

Resolve on the petition of *Gideon Mc Intosh*, granting him *six pounds twelve shillings*. June 7, 1786.

On the petition of *Gideon Mc Intosh*, setting forth that he served as a soldier in *Col. Turner's* regiment, in the year one thousand seven hundred and eighty-one, and that the wages due to him for that service were drawn by a forged order, which appears to be true from proper vouchers produced :

E

Resolved,

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to the said *Gideon Mc'Intosh*, the sum of *six pounds twelve shillings*, in full for said service.

VI.

MESSAGE from his Excellency the Governour, by the Secretary,
June 7, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

THE Major-Generals, chosen for the several divisions of the militia, have respectively accepted the choice, and commissions have in consequence of it, been sent to them, *viz.*

To Major-General *Lincoln*, of the first division, comprehending the county of *Suffolk*.

To Major-General *Titcomb*, of the second division, comprehending the county of *Essex*.

To Major-General *Brooks*, of the third division, comprehending the county of *Middlesex*.

To Major-General *Shepard*, of the fourth division, comprehending the county of *Hampshire*.

To Major-General *Cobb*, of the fifth division, comprehending the counties of *Plymouth*, *Barnstable*, *Bristol*, *Dukes-County* and *Nantucket*.

To Major-General *Goodwin*, of the sixth division, comprehending the counties of *York* and *Cumberland*.

To Major-General *Warner*, of the seventh division, comprehending the county of *Worcester*.

To Major-General *Lithgow*, of the eighth division, comprehending the county of *Lincoln*.

To Major-General *Patterson*, of the ninth division, comprehending the county of *Berkshire*.

In carrying the militia laws into execution, a difficulty has occurred, in regard to the electing of officers. In those laws no direction is given, as to the time and manner of convening the electors, of collecting votes, and of certifying to the Governour the officers elected : all which circumstances, the constitution requires should be regulated by standing laws.

In considering this matter, Gentlemen, you will please to consider also, whether in the new supplemental law (if you should think proper to pass such an one) it should not be provided, that all vacancies, at the time of passing it, should be filled up, within a given time ; and all after-vacancies within a given time also, after they should respectively happen ? whether there should not be a prescribed mode of notifying the officers of their election ? and in cases, in which the electors refuse or neglect to meet and choose their officers at the time assigned, whether the time and mode of notifying it to the Governour, should not be ascertained, that as soon as may be, after the notification, he may appoint such officers, pursuant to the constitution ? and if in any town there should be a regiment or companies, des-

titute

titute of officers, should it not be made the duty of the Selectmen of such town, on the requisition of the Major General, to notify the qualified electors to meet and elect their officers, and in all respects proceed in that business, according to law ?

Would it not be proper also, that, beside laws for regulating the militia in a time of tranquillity, there should be formed a well-digested body of martial law : to which, recurrence may be had, in any future exigency ?

I have had a letter from the Major-General of the first division, upon the subject of the militia laws ; which will be communicated to you.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *June* 8, 1786.

VII.

MESSAGE from his Excellency the Governour, by the Secretary.
June 8, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

PURSUANT to the request of the General Court, I applied through our delegates to Congress, for the loan of sixty brass field pieces of artillery, for the use of such of our artillery companies, as are forming : but Congress thought it improper, that the cannon and military stores in the arsenals of the United States should be dispersed : as you will observe by their proceedings of the 19th of *April*.

There are eight of the artillery companies already provided with field pieces : and for the remaining companies, which, when compleated agreeably to the intention of the militia laws, will require about seventy field pieces more, with their apparatus, you will please, gentlemen, to make the needful provision.

Several of those companies already formed, have applied for the powder allowed them, by the last militia act : but from the smallness of the quantity belonging to the government, in the public magazines, I thought it prudent to suspend issuing orders for the delivery of it, until the magazines should be sufficiently supplied.

Upon the subject of such a supply, and the means of effecting it, I sent a message to the General Court in their last session, dated the 21st of *February* : to which you will please to be referred.

As there will be annual demand for powder, for the use of the artillery companies, and as it may be essential to the safety of the Commonwealth, that the public magazines be kept sufficiently supplied with it, you will permit me, gentlemen, to recommend to you the taking of speedy, and effectual measures for that purpose.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *June* 8, 1786.

Resolve

VIII.

Resolve on the petition of *William Fernigan*, in behalf of the several creditors against the estate of *Israel Cagnabew* of *Edgartown*, empowering *William Fernigan* and *Benjamin Smith*, Esq's. to sell thirty-five acres of land mentioned. June 8, 1786.

On the petition of *William Fernigan*, in behalf of the several creditors, against the estate of *Israel Cagnabew* of *Edgartown*, in *Dukes-County*, Indian man, deceased, praying that liberty be granted for the sale of so much of the land belonging to the said *Israel's* estate, as to discharge his debts, amounting to *seventy-five pounds, ten shillings and eight pence half-penny*, as on record will appear :

Resolved, That *William Fernigan* and *Benjamin Smith*, Esq's, be, and they hereby are authorized, and empowered, to sell at public auction (or private sale,) thirty-five acres of land adjoining to, and on the westerly-side of the land belonging unto *Abishai Merchant*, and to execute good and lawful deed, or deeds of the same ; and the monies arising from the sale of said land, to be appropriated to the payment of said *Israel's* creditors, agreeably to their several accounts, allowed by the General Court's committee, appointed for that purpose ; the remainder, if any there be, to be paid unto the guardian of the only surviving heir of the said *Israel*.

IX.

Resolve on the petition of *John Sullivan*, Esq; in behalf of *Moses Sergeant*, granting him liberty to file his complaint against *Joseph Frye*. June 8, 1786.

On the petition of *John Sullivan*, Esq; in behalf of *Moses Sergeant* of *Londonderry*, in the county of *Rockingham*, and State of *New-Hampshire*, gentleman, praying for liberty to file a complaint upon a default action, on a judgement recovered by the said *Sergeant*, against one *Joseph Frye*, jun. of *Fryburg*, in the county of *York*, as set forth in said petition, at the next Supreme Judicial Court, to be holden at *York*, within and for said county of *York*, for the reasons set forth therein :

Resolved, That the prayer of said petition be granted, and that the said *Moses Sergeant*, have liberty to file his said complaint against the said *Frye*, at the next Supreme Judicial Court, to be holden at *York*, within and for the county of *York*, upon the fourth Tuesday of *June 1786*, and that the same Court, proceed thereon in the same manner as they might by law have done, if said *Sergeant* had entered his said complaint at their sessions on the fourth Tuesday of *June 1784* ; provided the said *Sergeant* shall notify the said *Frye*, by serving him with an attested copy of this resolve, seven days before the said fourth Tuesday, any law, usage, or custom, to the contrary notwithstanding.

Resolve

X.

Resolve confirming a grant to the representatives of *William Tyng* and his company, on the conditions mentioned in a resolve of *February 7, 1785. June 8, 1786.*

Resolved, That twenty-three thousand and forty acres, part of the lands contained in the plan annexed, surveyed by *Samuel Titcomb*, with the assistance of chainmen under oath, for the legal representatives or assigns of *Capt. William Tyng*, and his company, pursuant to a resolve of the General Court, passed the 7th day of *February, 1785*, butted and bounded as follows, *viz.*

Beginning at the south west corner of a township laid out on *Sandy-River*, and running on the line of said township north 35 degrees west two miles and 54 rods, then north 25 degrees west three miles and 66 rods, then north 13 degrees west one mile and 80 rods, then running on the land of the Commonwealth, south 75 degrees west five miles and 100 rods, then south 15 degrees east four miles and 148 rods, to *Phips Canada* line, then running on said line, east two miles and 308 rods, then south by said town, three miles and 4 rods, then north 58 degrees east four miles and 262 rods, to the western line of the *Plymouth* patent, as by them run, then on the said line north 38 degrees west 130 rods, to the place of beginning, be and hereby are confirmed to the said representatives or assigns of the said *Tyng* and his company, on the conditions, and with the reservations mentioned in said resolve, the delay in not returning a plan within the time limited by the same resolve, notwithstanding. *Provided* the above granted premises do not interfere with private property, or any former grant.

XI.

Resolve on the petition of *Nomi Roper*, empowering her to make sale of part of her real estate. *June 8, 1786.*

On the petition of *Nomi Roper*, praying for liberty to make sale of part of her real estate, for reasons set forth in her petition :

Resolved, That the prayer of said petition be granted, and that *Solomon Jewet*, one of the Selectmen of the town of *Sterling*, be and he is hereby authorized and fully empowered to make sale of twenty acres of the above-said farm, for the most it will fetch, and to give and execute a good and sufficient deed of sale of the same to the purchaser, and to pay the proceeds thereof to the said *Nomi Roper*, for the purposes mentioned in the petition.

XII.

Resolve empowering the Assessors of the plantation of *Sylvester*, to assess on the said plantation *one hundred and fifty pounds. June 9, 1786.*

Whereas by a resolve of the General Court of the thirteenth of *March* last, all the taxes wherewith the plantation of *Sylvester*, in the county of *Cumberland* had then been charged, were abated, excepting *one hundred and fifty pounds* :

And whereas the said plantation has never paid, or assessed any part of the taxes wherewith it has been charged ; which renders it convenient and necessary that some further order be taken in the case : Therefore,

Resolved, That the Assessors of the said plantation of *Sylvester*, be, and they are hereby empowered, directed, and required to assess on the said plantation, the before mentioned sum of *one hundred and fifty pounds* ; and that the said sum be assessed, collected and paid, according to the rules and directions prescribed and given in the last tax-act ; excepting that the whole of the said sum shall be paid in specie.

And the Treasurer is hereby directed to send his warrant to the Assessors of *Sylvester*, agreeably to the tenor of this resolve.

XIII.

Resolve on the petition of *Charles Chandler* and others, children of *John Chandler*, confirming to them all that part of their father's real estate, which was assigned and set off to their mother for her thirds, excepting—on condition. *June 10, 1786.*

On the petition of *Charles Chandler, Samuel Chandler, Sarah Stanton, Mary Sever, Lucretia Chandler, Thomas Chandler, and Elizabeth Chandler*, praying that they may have that part of their father's real estate, which was assigned and set off to their mother as her thirds, granted and confirmed to them in fee simple :

Resolved, That the petitioners have the prayer of their petition so far granted, that they have confirmed unto them, and hereby are seized and possessed in fee simple as tenants in common, of all that part of their father's real estate, which was assigned and set off to their mother, for her thirds (excepting a certain parcel thereof, which hath been described and granted to the county of *Worcester*, for the purpose of erecting a goal thereon) the petitioners paying and discharging all those debts due from the said estate which have not already been paid.

XIV.

MESSAGE from his Excellency the Governour, by the Secretary.
June 12, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

BY a resolve of the General Court, of the 24th of *March* last, the Governour and Council were requested to consider the expediency of coining silver and copper in this Commonwealth ; the quantity it would be convenient

venient in that case to coin; in what mode the business should be conducted; the proper devices to be used; and the advantage that would accrue to the Commonwealth, from such a coinage.

I laid the resolve before the Council, and after a discussion of the subject, a committee was appointed to consider it more fully. The committee have reported, and their report having been accepted by the Council, is now, with the papers to which it refers, laid before you for your consideration.

Upon the subject of a coinage, I have had a letter of the 18th of *May*, from one of our Delegates in Congress, the honourable Mr. *Gorham*, enclosing the report of the Treasury Board, relating to the establishment of a mint: which report it was expected would in a few days be considered by Congress.

Mr. *Gorham* taking notice, that according to the news-papers, proposals had been made to the legislature of *Massachusetts*, relative to a copper coinage, observes, that it is apprehended it will be attended with great inconveniences if the States should act in this matter separately; that after Congress had agreed upon a plan, which they will soon do, there might be, and it would be of great utility there should be an uniformity in the money, throughout the union; and that *Massachusetts*, and any other State, after knowing the terms on which the Board of Treasury would conduct this business, could more advantageously act upon it than before: and therefore seems to suppose, that it would be advisable to suspend the coinage, until we are notified of the proceedings of Congress upon that head.

These reasons, without mentioning others that might be given, may induce you, Gentlemen, to suspend this business accordingly.

The report made to Congress, relative to the establishment of a mint for the United States, accompanies the papers above-mentioned.

JAMES BOWDOIN.

COUNCIL-CHAMBER, June 12, 1786.

XV.

MESSAGE from his Excellency the Governour, by the Secretary.
June 12, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

BY the last post I received a letter from Mr. *Thomson*, of the sixth instant, giving information that the United States, in Congress assembled, had on that day chosen his Excellency *Nathaniel Gorham*, Esq; to be their President, as you will observe by the accompanying letter.

JAMES BOWDOIN.

COUNCIL-CHAMBER, June 12, 1786.

Resolve

XVI.

Resolve on the petition of *John Ackley*, directing the Treasurer to make out and deliver to the said *Ackley*, notes to the same amount as those that have been issued. June 12, 1786.

On the petition of *John Ackley*, praying that he may be allowed the sum of *ten pounds twelve shillings and six pence*, which is due to him for serving as drum-major in the Continental army, which sum has been drawn out of the treasury by a forged power of attorney, in the name of *William Tucker*, as appears by proper vouchers produced :

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed, to make out and deliver to the said *John Ackley*, notes, in the same manner, and to the same amount, as if none had ever been issued for the payment of the aforesaid *Ackley's* wages.

XVII.

Resolve on the petition of *Thomas Dingley*, agent for *Samuel Baker*, and others, appointing a committee of both Houses, to view the premises. June 12, 1786.

On the petition of *Thomas Dingley*, agent for *Samuel Baker*, and others, praying that a committee may be appointed to take a view of the beach in the town of *Marshfield*, and report :

Resolved, That the prayer of said petition be granted, and that *Solomon Freeman*, Esq; *Mr. Stephen Nye*, and *Francis Shurtliff*, Esq; be a committee to view the premises, at the expence of the petitioners, and report their opinion thereon.

XVIII.

Resolve on the petition of the inhabitants of the town of *Northborough*, allowing them one year to satisfy two executions against one of their delinquent Constables, and executions be stayed. June 12, 1786.

On the petition of the inhabitants of the town of *Northborough*, praying for a longer time to satisfy two executions against one of their delinquent Collectors, for reasons set forth in their petition :

Therefore *Resolved*, That the inhabitants of said *Northborough*, be allowed the term of nine months from the date of this resolve, to satisfy the same, and that said executions be stayed in the mean time.

XIX.

Resolve on the petition of *Jonathan Williams*, *Elizabeth Williams* and *John Williams*, authorizing them to make sale of the real estate mentioned. June 12, 1786.

Upon

Upon the petition of *Jonathan Williams, Elizabeth Williams and John Williams*, executors to the last will and testament, of *John Williams, Esq;* deceased :

Resolved, That said executors be, and they hereby are authorized and empowered to make sale of all the real estate of the said deceased, lying in *Dorchester*, in the county of *Suffolk*; excepting thereout the widow's dower, for the payment of the debts of the said testator, said executors conforming to the rules prescribed by law, in the sale of estates of persons deceased.

XX.

Resolve on the petition of Capt. *John Bailey*, granting him *sixty-six pounds five shillings*, with interest from the 1st of *June, 1777*, in Government securities of the same tenor, with the consolidated notes of this Commonwealth. *June 13, 1786.*

On the petition of Capt. *John Bailey* :

Whereas it appears, that the said *Bailey* was in actual service of the United States, for the term of five months, during which time, he enlisted and marched a company of fifty men to *Cambridge*, from the county of *Lincoln*. And whereas it doth not appear, that the said *Bailey* received an adequate consideration for said service :

Resolved, That there be paid out of the public treasury of this Commonwealth, to Capt. *John Bailey*, the sum of *sixty-six pounds five shillings*, lawful money, with interest from the 1st of *June, 1777*, in Government securities of the same tenor, and payable at the same periods, with the consolidated notes of this Commonwealth, which with *twenty pounds* lawful money he received of Major-General *Heath*, on the aforementioned account, shall be in full of all demands for said *Bailey's* services and expences, and that the same be charged to the United States.

XXI.

MESSAGE from his Excellency the Governour, by the Secretary.
June 14, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I HAVE had a letter from Governour *Van Dyke*, of the State of *Delaware*, dated the 15th of *March*, mentioning, that the Assembly of that State have by law vested Congress with powers to regulate commerce for the term of fifteen years : the law to operate as soon as nine States have given Congress similar powers.

I have also had letters of the 5th and 12th of *April*, from Mr. President *Langdon*, of the State of *New-Hampshire*; and *Charles Biddle, Esq;* Vice-President of the State of *Pennsylvania* : the former mentioning, that the General Assembly of *New-Hampshire* had chosen Commissioners to meet

Commissioners from the other States in the union, for the purpose of considering the commerce of the United States, agreeably to the proposals made by the Assembly of *Virginia*: and the latter enclosing acts of the Assembly and Executive Council of *Pennsylvania*, appointing Commissioners for the same purpose.

These several letters are communicated to you, Gentlemen, for your information.

With regard to the business to which the two last refer, as it is of great importance there should be a full representation of the States, upon so interesting an occasion, you will probably think proper to choose other persons to represent this State, in the room of such as have declined accepting the former choice.

For that purpose, Gentlemen, and to insure a representation on our part prior to the recess of the General Court, a speedy attention to this business may be necessary.

JAMES BOWDOIN.

COUNCIL-CHAMBER, June 14, 1786.

XXII.

Resolve on the petition of *Israel, Felix*, and *Thomas Jeffery*, authorizing *John Turner*, Esq; Col. *John Nelson*, and *David Kingman*, guardians to said Indians, to sell land mentioned. June 14, 1786.

On the petition of *Israel, Felix*, and *Thomas Jeffery*, Indians:

Resolved, That the prayer of said petition be granted; that *John Turner*, Esq; Col. *John Nelson*, and *David Kingman*, guardians to the said Indians, be, and they are hereby authorized and empowered, to sell the land mentioned in the said petition, for the most it will fetch, and to make and execute a good and lawful deed or deeds of the same, to the purchaser or purchasers, and the deed or deeds so executed, shall be good and valid in law; and after paying the just debts of the said Indians, and the necessary cost that shall arise by the sale of said land, the said guardians are hereby directed to lay out the remainder of the money to purchase land for the above-said Indians, where it may be more convenient and better for said Indians.

XXIII.

Resolve on the petition of *Ephraim Jackson*, directing the Treasurer to issue notes consolidated, in lieu of those burnt. June 14, 1786.

On the petition of *Ephraim Jackson*, representing that his house was consumed by fire in the night of the eleventh of *February* last, by which accident, four consolidated notes of this Commonwealth, the property of the said *Jackson*, was burnt, and the dates, numbers and sums of said notes being ascertained, excepting one:

Resolved,

Resolved, That the Treasurer be, and he is hereby directed, to issue to the said *Ephraim Jackson*, four notes, three of which to be of the following tenor, *to wit*,—one note number 2170, for *five pounds and eleven pence*,—one note number 1468, for *nine pounds and three pence*,—and one note number 2196, for *four pounds two shillings and eight pence*; to bear equal date with the three notes which have been ascertained as aforesaid; and one other note for the sum of *thirteen pounds*, to bear equal date with this resolve.

XXIV.

Resolve on the petition of *Elias Willard*, and *Titus Parker*, discharging them from the recognizance, or any suit against them, for reasons mentioned. *June 14, 1786.*

On the petition of *Elias Willard*, and *Titus Parker*, praying that they may be discharged from their recognizance, taken at the General Sessions of the Peace held at *Great-Barrington*, for the county of *Berkshire*, on the second Tuesday of *September, 1783*, with *Ichabod Allen*, of *Pittsfield*, in said county, innholder: For reasons set forth in their petition,

Resolved, That the prayer of the petition be so far granted, that the said *Elias Willard* and *Titus Parker*, be, and hereby are discharged from said recognizance, or any suit that has been, or may hereafter be brought against them in consequence of said recognizance, they paying the cost that has already arisen thereon.

XXV.

Resolve on the petition of *Samuel Kimball*, discharging him from his confinement, on certain conditions. *June 14, 1786.*

On the petition of *Samuel Kimball*, of *Brookfield*, who was sentenced by the Supreme Judicial Court, to pay a fine of *thirty pounds*, for the use of this Commonwealth, and cost of prosecution, and is now confined in the common goal at *Northampton*, in the county of *Hampshire*, for the due performance of the same, and now prays to be liberated from his confinement, on paying said fine in public securities:

Resolved, That the prayer of the petition be granted, upon the said *Kimball's* paying to the Sheriff for said county, the above fine of *thirty pounds*, lawful money, in this State's securities, also cost of prosecution and all prison charges, in specie; and that thereupon the said *Kimball* be discharged from confinement; provided he does not stand committed or detained for any other cause or action whatsoever, excepting the above sentence. And the aforesaid Sheriff is hereby directed to pay the same to *Thomas Ivers*, Esq; Treasurer of this Commonwealth, or to his successor in said office, taking duplicate receipts for the same, one of which to be lodged in the Secretary's office.

Resolve

XXVI.

Resolve on the petition of *Andrew Brown*, one of the *Grafton* Indians, empowering him to sell the land mentioned. June 14, 1786.

On the petition of *Andrew Brown*, one of the *Grafton* Indians, praying for leave to sell about eleven acres and a half of land lying in said *Grafton*, for the purpose of paying his debts :

Resolved, That the trustees of the said Indians, be, and hereby are empowered to sell at public, or private sale, if they think best, the land mentioned in said petition, and pay the debts of the said *Brown*; the overplus if any there be, to be put at interest, and that said trustees, be, and they hereby are empowered to give a deed or deeds of said land.

XXVII.

Resolve allowing the county Treasurer's accounts for the county of *Cumberland*, and granting a tax of *five hundred pounds*, for the purpose of defraying the charges of said county. June 14, 1786.

Whereas it appears upon examination of the Treasurer's accounts for the county of *Cumberland*, that the monies granted and allowed by the General Sessions of the Peace for the said county, and which have been collected, were expended for such purposes as are authorized by law, and that a balance of *one hundred and thirteen pounds eighteen shillings and ten pence*, is due to the said Treasurer : Therefore

Resolved, That the said accounts be accepted and allowed. And whereas it appears from an estimate of the Justices of the Court of General Sessions of the Peace of the said county of *Cumberland*, made on the last Tuesday of *October* 1785, that the sum of *five hundred pounds*, will be necessary for defraying the charges of said county for one year then next ensuing : Therefore

Resolved, That there be, and hereby is granted a tax of *five hundred pounds*, to be apportioned and assessed on the inhabitants of the said county, and estates lying within the same, and collected, paid and applied for the use of the said county, according to the laws of the Commonwealth.

XXVIII.

Resolve on the petition of *Samuel Baldwin* and others, Assessors of the town of *Windsor*. June 15, 1786.

Upon the petition of *Samuel Baldwin* and others, Assessors of the town of *Windsor* :

Resolved, That all the assessments made by the Assessors for the town of *Windsor*, in the years one thousand seven hundred and eighty-one, and one thousand seven hundred and eighty-two, be, and they hereby are ratified and rendered valid to all intents and purposes, any informalities in making said assessments notwithstanding.

Message

XXIX.

MESSAGE from his Excellency the Governour, by the Secretary.
June 16, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

BY a circular letter from the Hon. Mr. *Jay*, the Minister for foreign affairs, dated the 3d of *May*, and written by order of Congress, I was requested to inform him, whether, and how far the Commonwealth of *Massachusetts*, has complied with the proclamation of Congress of the 14th of *January* 1784, and the recommendation which accompanied it, pursuant to the definitive treaty of peace, between the United States of *America*, and *Great-Britain*.

In consequence of that letter, I directed the Secretary to examine the acts and resolves, which have been passed by the Legislature since that time, and extract from them, and authenticate, such as would furnish the information requested. These I sent enclosed with a letter to Mr. *Jay*: the whole being within a cover, directed to our Delegates. The titles of them, with a copy of the Secretary's declaration, which was also sent, will with my letter of the 17th of *May*, be communicated to you.

I have also had several letters from Mr. *Thomson*, Secretary of Congress, enclosing a state of the representation in Congress for the months of *March*, *April*, and *May*. During the first half of the last month, there was a pretty full representation: but it has since dwindled so far, that there is not a sufficient representation to transact a great deal of important business lying before them; and which requires the presence of at least nine States in Congress.

Another letter of Mr. *Thomson*, of the 18th of *April*, mentions his receiving the account, which at the request of the General Court in their last session, I transmitted to him, of the number of inhabitants within this Commonwealth, taken pursuant to a requisition of Congress for determining the quotas to be demanded from the several States of any common expence. He writes he had communicated it to Congress, together with the act of this Government, transmitted at the same time, providing, among other things, for raising *one hundred forty-five thousand six hundred fifty-five pounds*, for the purpose of complying with the requisition of Congress of the 27th of *September* 1785.

Mr. *Thomson* has also sent the journal of the transactions of Congress for some time: which with the aforesaid letters will be laid before you, gentlemen, by the Secretary.

JAMES BOWDOIN.

COUNCIL-CHAMBER, June 16, 1786.

XXX.

MESSAGE from his Excellency the Governour, by the Secretary.
June 16, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

IT is probable the Commissioners appointed by Congress to settle the boundary line between this State and *New-York*, on the eastern side of the latter, will proceed upon that business some time in the next month.

The Agents on our part were directed, by a resolve of the General Court of the 14th of *March* last, to make suitable provision for the accommodation of those Commissioners, during the time they may be employed in the business: but no grant of money has been made for that purpose.

One of the Agents, the Hon. *Timothy Edwards*, Esq; is now in *Boston*, and if enabled by such a grant, will undertake to make the needful provision. His letter of this day relative to it, accompanies this message.

In estimating the sum necessary to compleat this business, you will have regard, gentlemen, to a compensation of the Commissioners for their services; for which they were assured by a joint letter to them from our Delegates and those of *New-York*, that satisfactory compensation should be made.

Agreeable to the resolve of the General Court of the 14th of *March*, I transmitted to our Delegates on the 29th of that month, copies of the letters and papers therein referred to, together with a copy of the resolve: that they might communicate the same to the said Commissioners: but I have not since had any intelligence from them upon the subject.

I sent to the General Court two messages concerning it, dated the 11th of *February* and 6th of *March* last, and to which you will please to be referred.

This business, gentlemen, requires a speedy attention.

JAMES BOWDOIN.

COUNCIL-CHAMBER, June 16, 1786.

XXXI.

Resolve on the petition of *John Brasce*, directing the Treasurer to receive a sum in the old Continental money. June 16, 1786.

On the petition of *John Brasce*, Collector of taxes for *West-Stockbridge*, for the year 1780:

Resolved, For reasons set forth in the said petition, that the prayer thereof be so far granted, that the Treasurer of this Commonwealth be, and he hereby is authorized and directed to receive of the said *John Brasce*, seven thousand six hundred and eighty-eight dollars, in Continental money, the
old

old emission, received by the said *John* in the collection of State taxes (which at the time of receiving the same were payable in the said money) and pass the same to the credit of the said Collector.

XXXII.

Resolve on the memorial of the Hon. *Timothy Edwards*, Esq; granting him *nine pounds*, in full for services in settling the line between this State and the State of *New-York*, in 1784. *June 17 1786.*

On the memorial of the Honourable *Timothy Edwards*, Esq; one of the Commissioners of this Commonwealth, for settling the line between this State and the State of *New-York*, in 1784 :

Resolved, That there be allowed and paid out of the public treasury, to the Hon. *Timothy Edwards*, Esq, the sum of *nine pounds*, which sum, together with the sum of *sixteen pounds eight shillings*, heretofore paid to the said *Edwards*, by the Hon. *Joseph Hawley*, Esq, one of said Commissioners, being a part of the monies granted to the said Commissioners, on account, is in full of his account for services and disbursements.

XXXIII.

Order to the Secretary, to notify the Hon. *Francis Dana*, *Elbridge Gerry*, *Stephen Higginson*, and *George Cabot*, Esq's. of their being elected Commissioners for the purpose of considering the trade of the United States; *June 17, 1786.*

Ordered, That the Secretary notify the Hon. *Francis Dana*, *Elbridge Gerry*, *Stephen Higginson* and *George Cabot*, Esq's. that they have been elected by the two branches of the legislature, Commissioners, who, together with those persons who are or may be constituted Agents in behalf of this Commonwealth, to conduct and prosecute our claims to lands controverted by *New-York*, and lying to the westward of that State, are appointed Commissioners on the part of this Commonwealth, who, or any three of whom, are authorized and empowered to meet such Commissioners as may be appointed by the other States in the union, at *Annapolis*, on the first Monday in *September* next, for the purpose of considering the trade of the United States, to examine the relative situation and trade of the said States, to consider how far an uniform system in their commercial regulations may be necessary to their common interest and permanent harmony, and to report to the United States in Congress assembled such an act relative to this great object, as when agreed to, by them, and confirmed by the legislature of every State; will enable the United States in Congress assembled, effectually to provide for the same.

XXXIV.

MESSAGE from his Excellency the Governour, by the Secretary,
June 19, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

The Secretary of Congress, by his letter to me of the 22d of *April*, has transmitted copies of the treaties, which Congress, by their Commissioners, have entered into with the *Shawanese*, *Cherokee*, *Choctaw*, and *Chickasaw* Indian nations.

He observes, that considering how important it is to the whole Confederacy, that the savages on our borders should be impressed with a sacred regard for treaties, and with a firm confidence in our justice and national faith, it is not doubted that the Government of this Commonwealth, will exert the means in its power to enforce a due observance of the several articles of these treaties, so far as they concern the Commonwealth, or relate to the conduct of its citizens.

The letter and treaties, Gentlemen, are herewith communicated to you.

JAMES BOWDOIN.

COUNCIL-CHAMBER, June 19, 1786.

XXXV.

MESSAGE from his Excellency the Governour, by the Secretary,
June 19, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

BY a letter from *James Avery*, Esq; our Excise Officer at *Machias*, to the Secretary, dated at *Majabagaduce*, the 31st of *May*, and which accompanies this message, it appears, that in each bastion of the fort, which the British troops built upon that land, there were arches and apartments of a great thickness, and bomb proof, in which there cannot be less than four or five hundred thousand of bricks: that one Mr. *Perkins* is now pulling down those arches, and selling the bricks to the inhabitants, as his property, as being on land belonging to him by possession: that this procedure must be an injury to the public, as he conceives those arches and the whole remains of the fort are in fact the property of the Commonwealth, upon whose land the fort was built: and that the bricks, if properly taken care of, would be of considerable value to the Government. If this should be your opinion, Gentlemen, the measures necessary to be taken to secure them for the use of the Government, cannot be too expeditious.

JAMES BOWDOIN.

COUNCIL-CHAMBER, June 19, 1786.

Resolve

XXXVI.

Resolve on the petition of *Samuel Hewes*, directing the Treasurer to receive a note of £.1400 and to give him a new note for the value thereof, adding the interest arising thereon. *June 19, 1786.*

On the petition of *Samuel Hewes*, representing that he is possessed of a note given by *Harrison Gray*, Esq; late Treasurer of the then province of *Massachusetts-Bay*, for *fourteen hundred pounds*, dated *December first, 1773*; that said note was *bona fide* purchased by the house of *Lane, Son and Frazier*, on his account, and is in fact his property, and that the present Treasurer of this Commonwealth is in doubt, whether he is authorized to receive the same, occasioned by a resolve of the General Court, passed *September 24th, 1782*, for reasons set forth in the said petition:

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed, to receive said note of *fourteen hundred pounds*, and give said *Samuel Hewes* a new note for the value thereof, adding thereto the interest arising thereon, and bounty, agreeably to a law of this Commonwealth for the consolidating public securities, the said resolve of *September 24, 1782*, notwithstanding.

XXXVII.

Resolve on the petition of *Benjamin Wiser*, authorizing him to make sale of the land mentioned. *June 19, 1786.*

On the petition of *Benjamin Wiser*, of *Grafton*, in the county of *Worcester*, Indian man, praying that he may be authorized and empowered to sell and convey about twenty acres of his lands, for reasons set forth in his said petition:

Resolved, That the said *Benjamin Wiser* be, and he hereby is authorized and empowered to make sale of about ten acres and ten rods of his upland, and about ten acres of his meadow land, and to make and execute to the purchaser or purchasers thereof a deed or deeds of sale, which deed or deeds so made and executed shall be deemed valid in law, to all intents and purposes, any law to the contrary notwithstanding.

It is *provided nevertheless*, That the Trustees of *Grafton* Indians, shall inspect the matter aforesaid, so far as to cause the proceeds arising from the sales of the lands aforesaid to be applied to the payment of the said *Wiser's* just debts.

XXXVIII.

Resolve on the petition of *Jonathan Brown*, in behalf of the town of *Wartertown*, authorizing *Josiah Capen* to finish the collecting several assessments committed to *William Warren*, late Collector and Constable for said town. *June 19, 1786.*

On the petition of *Jonathan Brown*, in behalf of the town of *Watertown*, praying the aid of the Legislature to confirm the doings of the said town in the choice of certain Collectors in the room of others confined, as set forth in said petition :

Resolved, That *Josiah Capen*, chosen a Collector of taxes in said town of *Watertown*, to finish collecting several assessments committed to *William Warren*, late Constable and Collector for said town, who is now confined in his house for debt and *Jedediah Leatbe*, chosen a Collector of taxes to finish collecting several assessments committed to *Henry Bradshaw* Collector, now confined in goal for his private debts, be, and hereby are severally authorized and invested with all the powers and authority, to finish the collecting of the several assessments, committed to said *Warren* and *Bradshaw*, as is provided in one certain act of this Commonwealth, passed *February* the 16th, 786, for enforcing the speedy payment of rates and taxes, and directing the process against deficient Constables and Collectors taken on execution by virtue of said act ; and the said Collectors last chosen as aforesaid shall be liable to the same penalties in all respects, as is therein mentioned, and the Assessors of the said town of *Watertown* shall be, and hereby are directed to proceed with the said *Warren* and *Bradshaw* in the same manner, in all respects, as if the said *Warren* and *Bradshaw* were taken on execution, as mentioned in said act, and now in confinement thereon.

XXXIX.

Resolve establishing the pay of Messrs. *Adams* and *Nourse*, printers to the General Court. *June* 20, 1786.

Whereas *Adams* and *Nourse*, printers, have offered to perform the printing business of the General Court for the present year, at the rate of three fifths of a penny a sheet, and in the same manner that it was done the last year :

Resolved, That the said *Adams* and *Nourse* be paid out of the public treasury at the rate of three fifths of a penny, for all the laws and resolves that may be printed by them, and in the same manner for all other printing that may be done for the General Court, provided it is done in like manner with their printing the last year.

XL.

MESSAGE from his Excellency the Governour, by the Secretary. *June* 20, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

BY the post I had a letter from Mr. *Thomson*, the Secretary of Congress, dated the 9th instant : with which were enclosed the continuation of their journal from the 3d of *March* to the 2d instant ; and also copies of a treaty
of

of Amity and Commerce, between his Majesty the King of *Prussia*, and the United States of *America*.

The treaty was completed by the signature of the *Prussian* minister, the 10th of *September* last, at the *Hague*. It was ratified by Congress the 17th of *May*; and is to be in force during the term of ten years from the exchange of the ratifications.

The letter, journal and treaty, Gentlemen, will be laid before you by the Secretary.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *June* 20, 1786.

XL I.

Resolve granting to the Hon. *Timothy Edwards*, Esq; one of the agents elected by a resolve of *March* 14th, 1786, for settling the boundary line between this State and the eastern extremity of the State of *New-York*, to carry said resolve into execution; and directing the Treasurer in the case.
June 20, 1786.

Resolved, That there be allowed and paid out of the public treasury; three hundred and fifty pounds, to the Hon. *Timothy Edwards*, Esq; one of the agents appointed by a resolve of *March* 14th, 1786, for the purpose of settling the boundary line between this State and the eastern extremity of the State of *New-York*, to enable him, and the other agents appointed with him, to carry into execution said resolve, and to pay the Commissioners appointed by Congress to settle and make the said boundary line, this State's proportion for their respective services, said *Edwards* to be accountable therefor.

XLII.

Resolve on the petition of *John Page*, authorizing the Judge of Probate of wills for *Suffolk* county, to appoint Commissioners, to examine his claim on the estate of *Theophilus Lillie*. *June* 20, 1786.

On the petition of *John Page*, praying that he may have leave to lay a claim before the Commissioners appointed by the Judge of Probate for the county of *Suffolk*, for settling the estate of *Theophilus Lillie*, late an absentee, in said estate, for allowance, as set forth in said petition :

Resolved, That the prayer of the petition be so far granted, that the Judge of Probate of wills, &c. for the county of *Suffolk*, be, and he hereby is authorized and empowered, on application, to appoint Commissioners to examine the claim of *John Page*, on the aforesaid estate of *Theophilus Lillie*; for the term of one month from the time of their appointment, for the purpose aforesaid, at the expence of the said *Page*, that he may have an opportunity to exhibit his claim within the term mentioned, any law to the contrary notwithstanding.

Resolve

XLIII.

Resolve directing the Commissary General to sell at public auction the store houses in the towns of *Watertown* and *Sudbury*, for public securities.
June 20, 1786.

Resolved, That the Commissary-General be, and he hereby is empowered and directed to sell at public auction, or private sale, the store houses belonging to this Commonwealth, in the towns of *Watertown* and *Sudbury*, for the most the same will fetch, in public securities, of any kind : and if the said Commissary-General shall determine to sell the said store houses, or either of them at public sale, he shall in that case, give public notice of such sale, ten days at least, previous thereto ; and the Commissary is further directed, to pay the proceeds thereof into the public treasury of this Commonwealth, taking duplicate receipts therefor, one of which to be lodged in the Secretary's office.

XLIV.

Resolve on the petition of the Selectmen of the town of *Bowdoinham*, abating *one hundred and sixty seven pounds fourteen shillings*, out of the tax assessed in the year 1783, for their deficiency in not raising their proportion of three years and five months men. *June 22, 1786.*

On the petition of the Selectmen of the town of *Bowdoinham*, in the county of *Lincoln* :

Resolved, That there be allowed and abated to the town of *Bowdoinham*, *one hundred and sixty seven pounds fourteen shillings*, out of the tax, which in the year one thousand seven hundred and eighty three, was assessed on the said town for their deficiency in not raising their proportion of three years, and five months men : and the Treasurer is hereby directed to govern himself accordingly.

XLV.

MESSAGE from his Excellency the Governour, by the Secretary.
June 22, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

THE last evening I had a letter from our Delegates in Congress, dated the 18th instant ; by which you will observe they had applied to one of the agents of *New-York*, to agree in the nomination of two Judges to compleat a federal Court for determining the controversy between this State and that, relative to the western territory. But no intelligence had been received from them on that head : occasioned probably by their desire to procrastinate a settlement, until they had disposed of all the lands in controversy.

This

This idea is suggested by the letter, in which our Delegates say, they should be wanting to the duty they owe the State, if they neglected to give information, that very large quantities of the lands in controversy had, within a few days, been sold at public auction in the city of *New-York*, pursuant to an act of the legislature of that State. And they add, that the silence of *Massachusetts*, more especially as the sales are public, may hereafter be urged against our right.

After adopting such measures as you shall judge suitable for the present, would it not be requisite, Gentlemen, to invest our Delegates with certain powers relative to that territory, whereby they might be enabled as occasion should offer, to counter-act without delay the proceedings of *New-York*, both public and private, to invalidate our right, and engross the whole territory to themselves.

The said letter enclosed a letter from the Commissioners appointed by Congress to run the eastern line of the State of *New-York*, which last letter, is directed jointly to our Delegates, and those of *New-York*.

You will observe, Gentlemen, by those letters, which accompany this message, that one of the Commissioners, Mr. *Hutchins*, cannot attend on this business, which must be postponed for some short time; that they have proposed another Commissioner in his stead, and that our Delegates will give the earliest information of the result. This will be communicated as soon as it shall be received.

JAMES BOWDOIN.

COUNCIL-CHAMBER, June 23, 1786.

XLVI.

Resolve on the Governour's message, appointing *James Avery*, Esq; *Jonathan Buck*, Esq; and Mr. *George Billings*, a Committee to examine what remains of the fort at *Majorbagwaduce*, and prevent destruction or removal of the articles left, and to sell the said articles if they shall judge proper, and directing the Secretary to transmit this resolve. June 23, 1786.

Resolved, That *James Avery*, Esq; of *Machias*, and *Jonathan Buck*, Esq; and Mr. *George Billings*, of *Majorbagwaduce*, be, and they hereby are appointed a Committee on behalf of this Commonwealth to examine what remains of the fort which the British troops built at the place last abovementioned, and prevent the destruction or removal by private persons, of the articles left by the said troops, or the materials used in building the said fort, and if in the opinion of the said Committee, it will be for the interest of this Commonwealth to make sale of the articles and materials aforesaid, or any of them, the said Committee are hereby authorized and empowered to sell the same in such manner as will be most advantageous to the Commonwealth, they to be accountable for the proceeds of the sale. And if the said Committee shall think it will be advantageous to this Commonwealth to

preserve what remains of the fort abovementioned, the said Committee are hereby directed to report to the Governour of the Commonwealth as soon as may be, what measures they apprehend are necessary to be taken for that purpose.

And the Committee aforesaid are further directed to make enquiry for such articles, which belonged to the said fort, as have been taken therefrom, since the same was evacuated by the Britons, and to take proper measures for the recovery of them.

And the Secretary of this Commonwealth is hereby directed, to transmit a copy of this resolve to the Committee aforesaid, as soon as may be.

XLVII.

Resolve on the petition of *Charles Chandler* and others, children of *John Chandler*, Esq; confirming all that part of their father's real estate, which was set off to their mother for her thirds. *June 23, 1786.*

On the petition of *Charles Chandler*, *Samuel Chandler*, *Sarah Stanton*, *Mary Sever*, *Lucretia Chandler*, *Thomas Chandler*, and *Elizabeth Chandler*, praying that they may have that part of their father's real estate, which was assigned and set off to their mother as her thirds, granted and confirmed to them in fee simple, and representing that the resolve lately passed for that purpose will not produce to the said petitioners, the beneficial effects intended by the legislature: Therefore,

Resolved, That the resolve of the General Court of the 10th of *June*, current, on the petition of the said *Charles Chandler* and others, petitioners abovementioned, be and the same is hereby repealed.

And it is further *Resolved*, That the prayer of the said petition first aforesaid, be so far granted, that the said petitioners have confirmed unto them, and they are hereby declared to be seized and possessed in fee simple, as tenants in common, of all that part of their father's real estate which was assigned and set off to their mother, for her thirds, excepting a certain parcel thereof, which hath been described and granted to the county of *Worcester*, for the purpose of erecting a goal thereon, the petitioners paying and discharging all those debts due from the said estate, which have not already been examined and allowed by the Commissioners on the same, as reported to the Judge of Probate for the said county.

XLVIII.

Resolve on the petition of *Joseph Stone*, to notify the adverse party to shew cause, &c. and staying execution. *June 23, 1786.*

On the petition of *Joseph Stone*, setting forth that a cause was decided against him, by means of admitting a witness in said cause, which was particularly interested therein, as set forth in said petition. :

Resolved,

Resolved, That the prayer of said petition be so far granted, as that the said *Joseph* serve *Abisha Phelps*, the adverse party, with an attested copy of his petition, and this resolve, thirty days before the second Wednesday of the next sitting of the General Court, that he may then appear and shew cause if any he hath, why the prayer of said petition should not be granted, and that execution be stayed in the mean time.

XLIX.

Resolve respecting the *Dudley* Indians, discharging Mr. *Nathaniel Healy*, *Samuel Harris* and *Edward Davis*, from their trust, and appointing Capt. *Lemuel Corbin*, and others, guardians to said Indians, and vesting them with all the powers, &c. heretofore vested in said guardians. June 24, 1786.

Whereas it appears to this Court, that a general uneasiness hath existed for a considerable time in the minds of the *Dudley* Indians, so called, relative to the proceedings of two of their guardians, with respect to their lands. And whereas Mr. *Samuel Harris*, the other of said guardians, lives at such a distance from the lands of the said Indians as renders it difficult for him to discharge the duties of his office.

Resolved, That Mr. *Nathaniel Healy*, Mr. *Samuel Harris*, and *Edward Davis*, Esq; guardians to the said Indians, be, and hereby are discharged from the said trust, and that Capt. *Lemuel Corbin*, *Mark Dodge* and *John Healy*, be and are hereby appointed guardians to the said *Dudley* Indians, in the room of said *Nathaniel Healy* and *Edward Davis*; and the said guardians are hereby vested with all the powers and authorities, which have been heretofore vested in the guardians of the *Dudley* Indians, and to be in the same manner accountable to this Court, any law or resolve to the contrary notwithstanding.

L.

Resolve on the petition of *Timothy Williams*, granting him liberty to sell spiritous liquors by retail in the town *Watertown*, until the second Tuesday of *September* next; he recognizing, &c. June 24, 1786.

On the petition of *Timothy Williams*, praying for liberty to sell spiritous liquors by retail, he having lately opened a distillery of *New-England* rum in *Watertown*:

Resolved, That the prayer of his petition be granted; and that he have full liberty to sell spiritous liquors by retail in the town of *Watertown*, until the second Tuesday of *September* next, the usual time for granting licences for and within the county of *Middlesex*, he; the said *Williams*, recognizing before *Thaddeus Mason*, Esq; agreeable to law, to pay his excise, and conform himself to the laws of this Commonwealth, respecting persons licensed to sell spiritous liquors by retail.

Resolve

LI.

Resolve granting the sum of *eleven thousand pounds*, to the Commissary of pensioners. *June 24, 1786.*

Whereas it appears to this Court expedient, that a grant be made to the Commissary of pensioners, for the purpose of paying those persons borne on the pension list :

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to *John Lucas*, Esq; Commissary of pensioners, the sum of *eleven thousand pounds*, for the purpose of paying the several pensioners borne on the pension list, up to the 17th of *March*, one thousand seven hundred and eighty-six, the said Commissary to be accountable for the same :

And it is further *Resolved*, That the Treasurer of this Commonwealth, be, and he is hereby empowered and directed to pay the sum granted by this resolve in certificates, in favour of such persons, and in such sums as the said Commissary shall request ; which certificates shall be received in all taxes heretofore granted, excepting the two continental taxes, granted in the year 1782, the tax granted in the year 1784, for the redemption of the army notes, so called, and the tax granted in the year 1786.

LII.

Resolve on the petition of *Jeremiah Hill*, in behalf of *Jonathan Emery*, authorizing the Treasurer to issue his warrant for the purposes mentioned. *June 24, 1786.*

On the petition of *Jeremiah Hill*, in behalf of *Jonathan Emery*, one of the Constables of the town of *Biddeford*, for the year 1778, praying that the present Treasurer may be authorized and directed to issue his warrant, which by Treasurer *Gardner* was omitted, to enable him to complete the collection of a tax committed to him to collect for the year aforesaid :

Resolved, That the prayer of said petition be granted, and that the Treasurer of said Commonwealth for the time being, be, and he hereby is authorized and directed, to issue his warrant, for the purpose aforesaid, which shall be as valid in law as if the same had been issued by the said Treasurer *Gardner*, any law to the contrary notwithstanding.

LIII.

Resolve on the petition of *Elmer Cushing*, granting him licence to sell spirituous liquors. *June 24, 1786.*

On the petition of *Elmer Cushing*, praying for licence to sell by retail spirituous liquors, as set forth in his petition :

Resolved,

Resolved, That the prayer thereof be so far granted, that any two Justices of the Peace for the county of *Worcester*, *quorum unus*, be, and hereby are empowered, if they shall think needful, to licence the said *Elmer* to exercise the employment of a retailer of spiritous liquors till the next Court of General Sessions of the Peace for the county aforesaid, he producing the approbation of the Selectmen of *Sbrewsbury*, to the said Justices, and entering into recognizances, as the law directs, on granting licences,—any law, custom, or usage to the contrary notwithstanding.

LIV.

Resolve on the petition of *Ezekiel Averett*, directing the Treasurer to pay the sum mentioned, that has been obtained by a forged order. *June 24, 1786.*

On the petition of *Ezekiel Averett*, praying that he may be paid his wages for service in the continental army; the same having been received by a fraudulent person, notwithstanding:

Resolved, That the Treasurer be, and he hereby is directed, to pay to the said *Ezekiel*, the sum that appeared to be due to him for the service aforesaid, by the muster-roll of Capt. *Hunt's* company, Col. *Jackjon's* regiment, in the same manner as he should have done, if the same had not been received by fraud, as aforesaid.

LV.

Resolve declaring the town of *Standish*, to be intitled to all the benefits of the resolve of the 8th of *March* last, the time limited in said resolve for the Assessors to be sworn, notwithstanding. *June 24, 1786.*

Whereas it appears to this Court, that the resolve of the eighth of *March*, 1786, abating a part of the taxes on the town of *Standish*, did not come to the knowledge of the said town, till after the fifteenth of *April*, the time limited therein for the Assessors to be sworn, and that the Assessors were sworn the third day after receiving said resolve:

Resolved, That the town of *Standish* be, and they are hereby declared to be entitled to all the benefits expressed in said resolve of the eighth of *March* last, the time limited by said resolve for the Assessors to be sworn having elapsed before they were sworn, notwithstanding.

LVI.

Resolve on the petition of several towns in the county of *York*, viz. *Biddesford*, *Pepperrelborough*, *Wells*, *Lebanon*, *Sandford*, *Buxton*, and *Lymeric*, allowing an abatement on their taxes. *June 26, 1786.*

On the petition of several towns in the county of *York*, viz. *Biddesford*, *Pepperrelborough*, *Wells*, *Lebanon*, *Sandford*, *Buxton*, and *Lymeric*, praying for

for an allowance and abatement of their taxes, in consideration of their losses sustained by the extraordinary freshet, in *October* 1785 :

Resolved, That the prayer of said petitions be so far granted, that there be allowed as an abatement to the said towns, the following sums, *viz.* *Biddeford*, one hundred pounds; *Pepperrelborough*, one hundred pounds; *Lebanon*, eighty pounds; *Sandford*, sixty pounds; *Euxton*, seventy-five pounds,—out of their beef-taxes; *Wells*, ninety pounds, out of their beef-tax, and tax for 1781; *Lymeric*, twenty-five pounds for their losses, and a further sum of *seventy-eight pounds six shillings and seven pence* is allowed to said *Lymeric*, in consideration of their inability to pay the taxes laid on them, by deducting the same from the balance due from said *Lymeric*, out of their beef-tax and taxes due in the years 1779, 1780 and 1781, to the Treasurer of this Commonwealth; and the Treasurer is hereby directed to govern himself accordingly.

LVII.

Resolve on the petition of *Stephen Smith*, in behalf of *Solomon Southwick*, granting him *thirty-five pounds three shillings and six pence*, for certain supplies to Col. *Turner's* regiment at *Rhode-Island*. *June 26, 1786.*

On the petition of *Stephen Smith*, in behalf of *Solomon Southwick*, setting forth that there was due to him on the first day of *October* 1781, for two hundred and thirty-four bushels of onions, &c. supplied Col. *Turner's* regiment at *Rhode-Island*, *forty-four pounds fifteen shillings* :

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the said *Solomon Southwick*, the sum of *thirty-five pounds three shillings and six pence*, in full of his account, the same to be charged to the United States of *America*.

LVIII.

Resolve on the petition of *Benjamin Titcomb*, *Samuel Freeman*, and *Peter Noyes*, authorizing the Assessors of the first parish of the town of *Falmouth* to make out a warrant to *Joshua Freeman*, requiring him to collect a tax assessed in the year 1782. *June 26, 1786.*

On the petition of *Benjamin Titcomb*, *Samuel Freeman*, and *Peter Noyes* :
Resolved, That the prayer of said petition be granted, so far as that the Assessors of the first parish of the town of *Falmouth* for the current year, be authorized, and they are hereby authorized and empowered to make out and deliver their warrant to *Joshua Freeman* of said parish, requiring him to collect a tax which was assessed by the said *Benjamin*, *Samuel* and *Peter*, in the year 1782, and put into the said *Joshua's* hands to collect, *viz.* such part of said tax as still remains uncollected.

Resolve

LIX.

Resolve on the petition of *Robert Blair*, in behalf of the town of *Planford*, directing the Treasurer to credit said town for a fine. June 26, 1786.

On the petition of *Robert Blair*, in behalf of the town of *Planford*, setting forth, that the said town was fined in the last State tax, for not sending a Representative, and praying that the same may be abated, for reasons set forth in his petition :

Resolved, That the prayer of the petition be so far granted, that the Treasurer of this Commonwealth be, and he hereby is directed, to credit the said town of *Planford* in the last State tax, the sum of *nineteen pounds and two shillings*, being the fine set on said town.

LX.

Resolve on the petition of *Daniel Bigelow*, directing the Treasurer to suspend issuing executions against the town of *Peterham*, for the deficiency of two taxes for 1781. June 26, 1786.

On the petition of *Daniel Bigelow*, praying that warrants of distress may not immediately issue against the town of *Peterham*, for reasons set forth in said petition :

Resolved, That the prayer of the petition be so far granted, that the Treasurer of this Commonwealth be, and he is hereby directed to suspend issuing execution against the town of *Peterham* for the deficiency of two taxes on said town for the year 1781, the one amounting to the sum of *two hundred and twenty-four pounds four shillings three farthings*, the other, to the sum of *one hundred and forty-seven pounds five shillings and six pence*, being taxes committed to *Isaac Pachard*, a Constable for said town, to collect, for twelve months from the date of this resolve, any law or resolve to the contrary notwithstanding.

LXI.

Resolve on the petition of *William Starkweather*, in behalf of the district of *New-Ashford*, empowering the committee for the sale of the unappropriated lands in *Berkshire* county, in the disposal of the lands in said district. June 26, 1786.

On the petition of *William Starkweather*, in behalf of the district of *New-Ashford*, praying that the said district, and the settlers inhabiting the same, may have an allowance in lands, equal to what has been usually assigned by this Commonwealth, to districts and settlers under similar circumstances :

Resolved,

Resolved, That the committee for the sale of the unappropriated land belonging to this Commonwealth, in the county of *Berkshire*, be, and they hereby are empowered and directed, in the disposal of the lands belonging to this Commonwealth, in the district of *New-Ashford*, to provide for the following reservations and appropriations, *viz.*—two hundred acres for the first settled Minister; two hundred acres for the use of the ministry; and two hundred and eighty acres for the use of a grammar-school; and to make such allowance to the settlers, as a compensation for settlement, as to the said committee may appear reasonable, not exceeding one hundred acres to each.

LXII.

Resolve on the petition of *Amos* and *Robert Fuller*, authorizing the Assessors of the town of *Needham*, to assess a certain sum on said town. *June 26*, 1786.

On the petition of *Amos Fuller* and *Robert Fuller*, Assessors of the town of *Needham*, praying that *twenty-seven pounds thirteen shillings and one penny*, which sum is due to this Commonwealth; from *Thomas Gardner*, a deficient Collector of taxes for said town for the year 1780, may be annexed to, and assessed with said town's proportion of the tax granted in *March* last :

Resolved, That the prayer of the petition be granted, and the Assessors of the town of *Needham*, are hereby authorized and empowered to add the sum of *twenty-seven pounds thirteen shillings and one penny* aforesaid to said tax, and assess it on said town, to be paid in specie.

LXIII.

Resolve on the petition of the town of *Holden*, abating a fine laid on said town for not sending a Representative the last year. *June 26*, 1786.

On the petition of the town of *Holden*, praying for the abatement of a fine, for not sending a Representative to the General Court of this State, the last year :

Resolved, That as the town of *Holden* labour under peculiar difficulties, the sum of *nine pounds ten shillings*, part of the fine aforesaid, be remitted said town, and that the Treasurer of this Commonwealth, be, and hereby is directed to credit the said town of *Holden* with the abovementioned sum, accordingly.

LXIV.

Resolve establishing the pay of the Delegates, representing this State in Congress. *June 27*, 1786.

Resolved, That there be allowed to each Delegate, who shall hereafter be chosen

chosen to represent this Commonwealth, in the Congress of the United States, for his service and expence for each day (Lord's days included) from the time of his leaving home, until his return, the sum of *twenty-six shillings.*

LXV.

Resolve on the petition of *Joseph Busb*, declaring valid a certain deed. *June 27, 1786.*

Upon the petition of *Joseph Busb*, of *Brookfield*, in the county of *Worcester*, setting forth, that in the month of *April* in the year of our Lord, one thousand seven hundred and seventy-eight, the General Court of the then State of *Massachusetts*, passed a resolve upon the petition of *William Watson*, and *Susannah Watson*, administrators on the estate of *William Watson*, late of said *Brookfield*, deceased, empowering the said administrators in their said capacity, to make sale of about forty acres of land in said *Brookfield*, part of the real estate of the said deceased, for the most the same would fetch, and to make and execute a good deed or deeds, to the purchaser or purchasers, they observing the rules in the law, for sale of real estates by executors and administrators, and giving bond to the Judge of Probate for the county *Worcester*, that the proceeds thereof be disposed of according to law; and that thereupon they did make sale of said land, but without giving bond as aforesaid, and did give and execute in favor of him the said *Joseph* a deed thereof:

Resolved, That the said deed, be, and hereby is declared legal and valid to all intents and purposes; the neglect of giving bond as aforesaid notwithstanding.

LXVI.

MESSAGE from his Excellency the Governour, by the Secretary. *June 28, 1786.*

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

A Committee from the Selectmen of the town of *Boston* have informed me, that agreeably to a vote of the town, an oration will next *Tuesday*, the fourth of *July*, be delivered at the Chapel Church, in commemoration of the freedom and independence of the United States of *America*; that seats will be reserved for the Gentlemen composing the several branches of the Government; and that the hour of assembling for the purpose, will be such, as shall be convenient to them.

As it has been a constant practice, founded on the strictest propriety and fitness for the Government to commemorate that great event, which it is most earnestly to be wished, the future annals of *America* may demonstrate to be, not only great, but, in its consequences, glorious and happy; for effecting which, wisdom and exertion in the present generation, are, under

Providence, essentially necessary : you will probably judge it suitable, that it should be done upon the approaching anniversary of the event : and in that case will determine in what manner it shall be commemorated. At the same time, Gentlemen, you will please to let me know what return shall be made to the message of the Selectmen.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *June 28, 1786.*

LXVII.

Order for the Clerks of the Judicial Courts to return an account of their fees. *June 28, 1786.*

Ordered, That the Clerks of the Supreme Judicial Court, the Clerks of the several Courts of Common Pleas, and the Clerks of the several Courts of General Sessions of the Peace within this Commonwealth, be, and they hereby are directed to lay before the General Court, on the second Wednesday of their next setting, a particular account of all monies by them respectively received for their service in said offices, since the first of *July 1782* : And the Secretary is hereby required, to give each of the before-mentioned officers timely notice of this order, that they may govern themselves accordingly.

LXVIII.

Resolve on the petition of *Isaac Howe, Joseph Billings and Lemuel Tileston,* granting *forty shillings* for each prisoner they have taken up and returned to Castle-Island, who made their escape from said island ; and explaining an act entitled an act, providing a place of confinement for thieves and other convicts to hard labour, passed *March 14, 1785.* *June 28, 1786.*

On the petition of *Isaac Howe, Joseph Billings and Lemuel Tileston,* praying that a bounty of *forty shillings* may be granted to them for each prisoner they have taken up and returned to Castle-Island, as set forth in their petition :

Resolved, That the prayer of the said petition be granted, and that there be allowed, and paid to the said *Isaac, Joseph and Lemuel,* out of the treasury of this Commonwealth, the sum of *forty shillings* for each prisoner by them taken up, and returned to Castle-Island, who made their escape from the said island, on the night of the twenty-second of *April* last, together with all just cost and charges, by them the said *Isaac, Joseph and Lemuel,* laid out and expended, in taking up and returning the same prisoners :

And be it further *Resolved,* And it is declared to be the true intent and meaning of the act, entitled " An act providing a place of confinement for thieves, and other convicts to hard labour," passed the fourteenth day of *March 1785,* that the bounty of *forty shillings,* be allowed for each and every convict, when more than one shall be taken up and returned to Castle-Island, at
the

the same time, as well as for any one such convict so taken and returned, by virtue of the said act.

LXIX.

Resolve granting *nine pounds*, to *Robert Miller*, for his pension from the first of *January*, 1785, to the first of *January*, 1786, payable to *Joshua Bayley Osgood, Esq;* *June 30*, 1786.

On the petition of *Robert Miller*, setting forth, that he lost an arm at the siege of *Louisburg*, in the year 1745, in consideration of which, a pension of *nine pounds*, per annum, was granted him by this government :

Resolved, That there be paid out of the treasury of this Commonwealth, to the said *Robert Miller*, the sum of *nine pounds*, in full for his pension, from the first day of *January*, 1785, to the first day of *January*, 1786, and that *Joshua Bayley Osgood, Esq;* of *Biddeford*, agreeably to the prayer of the petitioner, be, and he hereby is authorized to receive the same.

LXX.

Resolve on the Governour's message, for commemorating the fourth of *July*, 1786, requesting his Excellency to order a discharge of cannon, and desiring the Chaplain to officiate in the religious exercises of the day, and requesting the Governour with the advice of Council, on future occasions. *June 30*, 1786.

Whereas it is proper, that this Government should, with true gratitude commemorate the period, at which the United States declared themselves sovereign and independent, and by that means took rank among the nations of the earth : Therefore,

Resolved, That the Legislature of this Commonwealth, will on *Tuesday* next, at eleven o' clock in the forenoon, repair to the Chapel-Church in the town of *Boston*, for the purpose of celebrating the anniversary of the independence of the United States of *America*, and there, in a solemn manner, render thanks to Almighty God, for his singular and manifold favors hitherto conferred upon these States, and at the same time humbly implore his blessing, that the dispositions, and endeavours of this people, may be directed to those principles, and that conduct, which, under the guidance of his Providence, will serve to render our revolution, such a blessing to ourselves, and to our posterity, as it has capacitated us to enjoy.

Resolved, That his Excellency the Governour, his Honour the Lieutenant-Governour, and the Honourable Council, be requested to accompany the two branches of the Legislature, on this occasion, and that his Excellency be requested to direct the discharge of cannon, in such manner as he may think proper. And the Chaplain of the General Court is desired to officiate in the religious exercises of the day.

And

And it is further *Resolved*, That the Governour of this Commonwealth, for the time being, with advice of Council, be requested, on all occasions of this kind in future, to provide a convenient place for the Governour, Lieutenant-Governour, the Council, and the two branches of the Legislature (if fitting) to convene in, for the purposes of performing the religious exercises mentioned in this resolve, and to direct the discharge of cannon, in such manner as is herein before mentioned.

LXXI.

Resolve granting to each of the Commissioners, elected to meet in convention at *Annapolis*, one hundred pounds. June 30, 1786.

Resolved, That there be allowed to each of the Commissioners, chosen to represent this Commonwealth, in the convention to meet at *Annapolis*, in September next, the same pay as is allowed to the Delegates of this Commonwealth in Congress.

And it is further *Resolved*, That there be paid out of the treasury, to each of the said Commissioners, who may go forward on the business of their appointment, the sum of one hundred pounds, they to be accountable for the same.

LXXII.

Resolve on the petition of *Thomas Russell*, and *John Codman*, jun. directing the Collector and Naval-Officer for the port of *Boston*, to deliver such part of the ship mentioned, &c. as would accrue to this Commonwealth in case of condemnation. June 30, 1786.

On the petition of *Thomas Russell* and *John Codman*, jun. both of *Boston*, merchants, and owners of the ship *Boston-Packet*, *Nathaniel Byfield Lyde* master, praying that the said ship, now under seizure for breach of law, might be released, and not exposed to further prosecution, for reasons set forth in said petition :

Resolved, That the Collector and Naval-Officers for the port of *Boston*, who seized the said ship *Boston-Packet*, be, and they are hereby directed, to deliver up to the said *Thomas Russell* and *John Codman*, jun. such part of the said ship, with her appurtenances, as would accrue to this Commonwealth, if the same were tried and condemned.

LXXIII.

Resolve on the petition of *Abner Goodell*, empowering him to re-enter the action at the next Court of Common Pleas to be holden at *Boston*, brought against him by *David Brown*, he notifying the said *Brown* thereof. July 1, 1786.

Whercas

Whereas *Abner Goodell*, hath prayed for a new trial, in a case brought against him by *David Brown*, of *Salisbury*, in the State of *Connecticut*, in which cause he was defaulted, as mentioned in his petition, for reasons therein contained; and whereas the adverse party has been notified, agreeable to an order of the General Court, to shew cause, if any he had, why the prayer of the said petition should not be granted, but did not appear: Therefore, *Resolved*, That *Abner Goodell*, be, and he hereby is empowered to re-enter at the next Court of Common Pleas, to be holden at *Boston*, in and for the county of *Suffolk*, on the first Tuesday in *October* next, the action brought against him: at the said Court in *January* last, by *David Brown*, and the same process shall be had upon the said action so re-entered, as if the default aforesaid had not been made thereon, but had been continued to the said first Tuesday of *October*, provided the said *Abner Goodell* shall notify the said *David Brown* of this resolve, by serving him, or his attorney, with an attested copy of the same, twenty days at least, previous to the said first Tuesday in *October*, and that all proceedings on said action be stayed in the mean time.

LXXIV.

Resolve on the petition of *John Bradish* and *Abel Packard*, jun. Selectmen of the town of *Cumington*, determining the dividing-line betwixt said town, and the district of *Plainfield*. July 3, 1786.

On the petition of *John Bradish* and *Abel Packard*, jun. Selectmen of the town of *Cumington*, in behalf of said town, praying that the dividing-line betwixt said town, and the district of *Plainfield*, may be ascertained and established, and also that their several proportions of State and county taxes be assigned, as set forth in said petition:

Resolved, That the dividing-line betwixt the town of *Cumington*, and the district of *Plainfield*, be as followeth, viz. beginning on the easterly line of said town and district at the south-east corner of lot No. 5, in the third division; from thence ranging westerly in the southerly line of said lot, to the north-east corner of lot No. 32 in said division; and from thence keeping the same range westerly, to the easterly line of the town of *Windsor*; said dividing line to be exactly parallel with the southerly line of said town of *Cumington*.

And be it further *Resolved*, That the proportion of said town of *Cumington* in all future taxes of said Commonwealth, on the present valuation, be *twenty-three shillings and two pence* on each *thousand pounds*, and the proportion of said district of *Plainfield*, in all future taxes of said Commonwealth, on the present valuation, be *ten shillings and seven pence half-penny* on each *thousand pounds*.

And be it further *Resolved*, That said town of *Cumington's* proportion of the tax granted by said Commonwealth in *March*, 1786, be and is *three hundred seventy-two pounds, seven shillings and ten pence*, and said district of

Plainfield's proportion of said tax is *one hundred seventy pounds seven shillings and eight pence*, and the Assessors of said town and district are hereby severally authorized and empowered to assess the aforesaid sums as the law directs.

LXXV.

Resolve making grants to the Rev. President of Harvard-College, and the Professors of the said College. July 3, 1786.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the Rev. *Joseph Willard*, D. D. President of the University in *Cambridge*, the sum of *four hundred and eighty-three pounds six shillings and eight pence*, which is to be in full for his services as President, for two years and five months, *viz.* from the first of *January* 1784, to the thirty-first of *May* 1786, being at the rate of *two hundred pounds* per annum.

To the Rev. *Edward Wigglesworth*, Hollisian Professor of Divinity, in the said University, the sum of *two hundred and forty-one pounds, thirteen shillings and four pence*, in full for his services for the two years and five months aforesaid, being at the rate of *one hundred pounds*, per annum.

To the Rev. *Samuel Williams*, L. L. D. Hollisian Professor of Mathematicks and Natural Philosophy in the said University, the sum of *two hundred and forty-one pounds, thirteen shillings and four pence*, in full for his services, for the two years and five months before-mentioned, being at the rate of *one hundred pounds*, per annum.

To *Eliphalet Pearson*, A. M. Hancock Professor of *Hebrew*, and other oriental languages, the sum of *fifty-three pounds, thirteen shillings and four pence*, in full for his services for five months next preceeding the said thirty-first of *May* 1786, being at the rate of *one hundred pounds*, per annum, and including *twelve pounds*, allowed him for his expences in removing to *Cambridge*; the before-mentioned sums being in addition to the salaries allowed to the President and Professors before-mentioned, respectively, from the College funds.

LXXVI.

Resolve on the petition of *William Drake*, to notify the adverse party to shew cause. July 3, 1786.

On the petition of *William Drake*, praying that he may enter an appeal, and have a new trial at the next Supreme Judicial Court to be held at *Boston*, on an action commenced against him by *Iaac Wendell* :

Resolved, That the prayer of the said petition be so far granted, as that the petitioner serve the said *Iaac Wendell*, with an attested copy of his petition, and this resolve thereon, fifteen days at least, before the second Wednesday of the next sitting of the General Court, that he may then shew cause, if any he hath, why the prayer of the said petition should not be granted, and that execution be stayed in the mean time.

Resolve

LXXVII.

Resolve on the petition of *Eleazer Brooks*, and *Francis Faulkner*, Esquires, administrators on the estate of *Daniel Brooks*, late of *Aeton*, in *Middlesex* county. July 3, 1786.

On the petition of *Eleazer Brooks*, and *Francis Faulkner*, Esquires; administrators on the estate of *Daniel Brooks*, late of *Aeton*, in the county of *Middlesex*, deceased, represented insolvent, shewing, that having been appointed administrators as aforesaid, in the year 1773, they accordingly proceeded in the business of their appointment; but from impediments, which arose in the late revolution, from the Courts not being open, and since they have been open, for want of official papers, supposed to have been lost in a time of general confusion, and which to this day have not been found, although frequent and diligent search has been made for them, in the office of the Court of Probate for the said county, as appears by a certificate from the Register thereof, that they the said petitioners have not been able to complete the settlement of the said estate, and therefore praying, that the Judge of the Probate of wills for the said county, may be authorized to make a dividend and legal settlement of the said estate, upon the best evidence that the state of the case will admit of:

Resolved, That for the reasons set forth in said petition, the prayer thereof be granted; and that the Judge of the Probate of wills for the county of *Middlesex*, be, and he hereby is authorized and empowered, to make a dividend and legal settlement of the estate of *Daniel Brooks*, late of *Aeton*, in the said county, deceased, represented insolvent, upon the best documents and evidence that can be obtained, and in such manner as shall appear to him most equitable.

LXXVIII.

Resolve on the petition of *Gilbert Dench*, empowering him to re-enter a certain action at the Court of Common Pleas next to be holden at *Northampton*, he notifying *Thomas Whitbeck* thereof, or his attorney. July 5, 1786.

Whereas it appears to the General Court, that at the Court of Common Pleas holden at *Northampton*, within and for the county of *Hampshire*, on the last Tuesday of *August* last past, *Thomas L. Whitbeck*, recovered judgment against *Gilbert Dench*, on a note of hand given by the said *Dench*, to the said *Whitbeck*, for forty bushels of salt; and it appearing reasonable, that there should be a trial of the action aforesaid, for reasons set forth in the petition: Therefore,

Resolved, That the said *Gilbert Dench*, be, and he hereby is empowered to re-enter the said action at the Court of Common Pleas next to be holden at *Northampton*, within and for the same county, on the last Tuesday of *August*

August next, and the said Court are hereby authorized and directed to proceed thereon according to law, and the rules of the said Court, in the same manner as if the said action had been regularly continued in said Court, he the said *Dench* serving the said *Whitbeck*, or *Samuel Fowler*, Esq; attorney to the said *Whitbeck*, with an attested copy of this resolve, twenty days at least, before the same Court; and that the execution on the said judgment be stayed in the mean time.

LXXIX.

Resolve on the petition of *Abigail Brown*, administratrix on the estate of *Enoch Brown*, deceased. July 5, 1786.

On the petition of *Abigail Brown*, administratrix on the estate of her late husband, *Enoch Brown*, deceased :

Resolved, That the petitioner, for reasons set forth in her petition, be, and she hereby is authorized and empowered, in her capacity as administratrix aforesaid, to make and execute a good and lawful deed to *Jonathan Bowditch*, of *Franklin*, in the county of *Suffolk*, of a certain real estate lying in said town of *Franklin*, being the same estate that the said *Bowditch* lately gave a deed of, to the said *Brown*; consisting of a dwelling-house, barn, and one hundred and ten acres of land: on condition, that he the said *Bowditch*, pay unto the said *Abigail Brown*, administratrix as aforesaid, before the executing of the said deed, the whole sum that may be found due from him, the said *Bowditch*, to the estate of the said *Enoch Brown*, for which the estate of the said *Bowditch* was made over as security; she the said administratrix to be accountable for the same, to the Judge of Probate for the county of *Suffolk*, any law or resolve to the contrary notwithstanding.

LXXX.

Resolve establishing the pay of the General Court. July 5, 1786.

Resolved, That there be allowed and paid out of the public treasury, the sum of *eight shillings* to each member of the Honorable Council; and the sum of *seven shillings and six pence* to each member of the Honorable Senate; and the sum of *seven shillings* to each member of the House of Representatives, for each day they have attended the Council, or General Court, the present session, also the further sum of one day's pay for every ten miles distance each member lives from the place of the Court's sitting.

And it is further *Resolved*, That there be granted and paid out of the public treasury, to the Honorable *Samuel Phillips*, jun. Esq; President of the Senate, the sum of *six shillings* per day; and to the Honorable *Artemas Ward*, Esq; Speaker of the House of Representatives, the sum of *six shillings* per day, for each day's attendance on the General Court, at the present sitting, over and above their respective pay as members thereof.

And

And be it further *Resolved*, That there be allowed and paid out of the public treasury, to Mr. *George Richards Minot*, Clerk of the House of Representatives, and also to Mr. *Samuel Cooper*, Clerk of the Honorable Senate, the sum of *forty pounds*, each, on account, for their services the present year.

LXXXI.

Resolve on the petition of *Joseph Lee*, and *William Willard*, administrators on the estate of *Aaron Willard*. July 5, 1786.

On the petition of *Joseph Lee*, and *William Willard*, administrators on the estate of *Aaron Willard*, praying the Commissioners on said estate may be directed to make return of their doings to the Judge of Probate, the time limited by law being elapsed notwithstanding :

Resolved, That the prayer of the said petition be granted, and the said Commissioners are directed to make return of their doings to the Judge of Probate for the county of *Worcester*, as soon as may be, and the said Judge is hereby empowered to receive the same, the time limited by law being elapsed notwithstanding.

LXXXII.

Resolve requesting his Excellency forthwith to issue his proclamation, forewarning all persons against purchasing the contested lands from the State of *New-York*, and instructing the Delegates to remonstrate against the proceedings of said State. July 5, 1786.

Whereas a federal Court is instituted, to determine the interfering claims of this State, and of the State of *New-York*, to lands described in the preamble of an act of Congress, of the third day of *June* 1784, instituting the said Court. And whereas the State of *New-York* has availed itself of the delays, which have taken place, in the appointment of the Judges, and made sale of large tracts of the lands aforesaid, without the consent of this Commonwealth.

Resolved, That his Excellency the Governour of this Commonwealth, be authorized and requested, forthwith to issue his proclamation, forewarning all persons against purchasing the said contested lands, or any part thereof, from the State of *New-York*, previously to the determination of the right of soil, and jurisdiction, by the federal Court aforesaid, or to settle on the said lands, which have been or shall be so purchased; as such grants, in case the said lands shall be found to be within the jurisdiction of this State, will be considered null and void.

And be it further *Resolved*, That the Delegates of this Commonwealth in Congress, be instructed to remonstrate, in behalf of this Commonwealth, against the proceedings of the State of *New-York*, in the sale of the said con-

tested lands, and to lodge a copy of their remonstanc with his Excellency the Governour of that State, and have the same entered on the journals, or files of Congress.

LXXXIII.

Resolve on the petition of *Hobart Clarke*, administrator on the estate of *Benjamin Ruggles*. July 5, 1786.

Upon the petition of *Hobart Clarke*, administrator on the estate of *Benjamin Ruggles*, deceased :

Resolved, That the Justices of the Court of Common Pleas, for the county of *Suffolk*, be, and they are hereby authorized and impowered, to proceed in taking the acknowledgment of a deed, made to the said *Benjamin*, by one *Samuel Ruggles*, deceased, and dated the 17th of *March* 1726, in manner as is prescribed by a resolve of this Court of the 24th of *February* last.

LXXXIV.

Resolve on the petition of *Sarah Benson*. July 5, 1786.

Upon the petition of *Sarah Benson*, wife of *Joshua Benson* :

Resolved, That the said *Sarah Benson*, be, and she hereby is authorized and impowered to make sale of any lands she may hold in her own right, and to make and execute good and sufficient warrantee-deeds to the purchaser or purchasers of the same ; and the said deeds, by her duly executed, shall be deemed good and valid, to all intents and purposes, any law or usage to the contrary notwithstanding.

LXXXV.

MESSAGE from his Excellency the Governour, by the Secretary.
July 6, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

On the subject of the navigation act, I have just received a letter from the Naval-Officer of the port of *Boston*. By his letter, and by conversing with him, it appears he has some doubts respecting the operation or the suspension of that act, as it regards his conduct in office.

He also mentions, that we shall stand in great need of additional funds to support our Light-Houses. On this head he has made several observations, proper for the consideration of the Legislature.

The letter will be herewith communicated, and you will take such measures concerning the subject of it, Gentlemen, as you shall judge suitable.

JAMES BOWDOIN.

COUNCIL-CHAMBER, July 6, 1786.

Resolve,

LXXXVI.

Resolve authorizing the Governour and Council to fill up any vacancies that may take place in the Commissioners, for holding a commercial convention of the United States at *Annapolis*, on the first Monday of *September* next. July 6, 1786.

Resolved, That his Excellency the Governour, by and with the advice and consent of Council, be, and he hereby is authorized and requested to fill up any vacancies, that may take place, on the part of this Commonwealth, in the commision for holding a commercial convention of the United States, at *Annapolis*, on the first Monday of *September* next.

LXXXVII.

Resolve empowering the committee for settling with the army, to settle the half pay due to the widows and orphan children of the officers of this State's line, who died; agreeable to a resolve of Congress of the 24th of *August* 1780, the sums to be certified to the Governour. July 6, 1786.

Whereas by a resolve of Congress, passed on the 24th of *August* 1780, it is provided, that seven years half pay shall be allowed to all widows, and orphan children of such officers as had died, or might there-after die in the service of the United States, and paid by the Legislature of the State where such officer belonged; the pay to commence at his death, and the amount thereof to be charged to the United States: Therefore,

Resolved, That the committee for settling with the army, be, and they are hereby empowered and directed to settle the half pay due to the widows and orphan children of the officers of this State's line of the Continental army, who died in the service of the United States, agreeably to the resolve of the 24th of *August*, 1780, as the same shall become due, which sums shall be paid by the Treasurer, in notes, bearing date at the time the said half pay became due, payable in three years from the date, with interest. And all sums settled and allowed for half pay as aforesaid, shall be certified by the said committee to the Governour, who is requested to issue warrants on the treasury for the same, to be paid as aforesaid.

LXXXVIII.

Resolve respecting State executions, with direction to the Secretary to publish the same in several papers. July 6, 1786.

Whereas the permitting State executions against deficient Constables and Collectors, to be repeatedly returned unsatisfied, or satisfied in part only, and thereupon issuing alias executions against such Constables and Collectors, without evident necessity therefor, discovers want of energy in Govern-
ment,

ment, and will operate to the real injury of delinquents, and tend to discourage such as have, or may exert themselves, for the purpose of paying in due season, their respective proportions of the public taxes : Therefore,

Resolved, That the Treasurer of this Commonwealth, be, and he hereby is directed, when any execution by him issued against any deficient Constable or Collector of public taxes, shall be returned not satisfied, or satisfied in part only, particularly to enquire into the necessity of such return, and if upon such enquiry, he shall have reason to apprehend that the Sheriff, or his Deputy, who returned the same, has been negligent in his duty, the Treasurer shall lay the matter before the Governour and Council for their examination.

And it is further *Resolved*, That in all cases, where the Treasurer, after three months from the passing this resolve, shall issue an execution against any deficient Constable or Collector, for any sum due on the first moiety of the Continental tax, granted in the year 1782, or for any tax granted before that period, no alias execution shall issue, except by direction of the Governour and Council, against such Constable or Collector, for the same sum, or any part thereof, unless it shall appear from a return of the former execution, made within one month from the return-day thereof, that the Sheriff could not find the body or estate of such deficient Constable or Collector within his precinct ; but the Treasurer shall immediately after the expiration of the said term of one month, issue an execution, directed to a Coroner of the county, against the estate of the Sheriff, to whom such former execution was directed, for the whole sum due on the same execution, who is hereby authorized and required, to levy and collect the same accordingly.

And be it further *Resolved*, That if any Sheriff shall, after the expiration of the three months aforesaid, neglect to return any execution to him directed, and committed, against any deficient Constable or Collector of the first moiety of the Continental tax, granted in the year 1782, or of any State tax, granted before that period, within the time limited by law for returning such execution, the Treasurer is hereby directed and required forthwith to issue an execution against the estate of such Sheriff, directed to a Coroner of the county, for the whole sum due on the execution against such deficient Constable or Collector, that the same may be levied and collected according to law.

And be it further *Resolved*, That the Secretary be, and hereby is directed, to cause this resolve to be published in the Independent Chronicle, the *Massachusetts Gazette*, the news-papers printed in *Plymouth, Newbury-Port, Worcester* and *Springfield*, and the *Cumberland Gazette*, three weeks successively.

LXXXIX.

Resolve on the representation of *Cotton Tufts*, Esq; authorizing the Selectmen and Assessors of the town of *Weymouth*, to demand and receive the several tax-bills committed to *Zachariah Becknell*. July 6, 1786.

Whereas

Whereas it has been represented to this Court, that *Zachariah Bicknell*, a Collector of taxes for the town of *Weymouth* for the year 1784, is rendered incapable of completing his collection of taxes, by reason of insanity of mind, and it being expedient that some other person should be appointed to complete the said collections : Therefore,

Resolved, That the Selectmen and Assessors of the said town of *Weymouth*, be, and they are hereby authorized and empowered to demand and receive the several tax bills committed to the said *Zachariah*, to examine and ascertain the balance remaining due on each, and to appoint some suitable person to complete the collection of the said taxes, and to commit the said bills to the person they shall so appoint.

And the Assessors of the said town are hereby directed to certify the sum or sums that remain uncollected on any of the said bills, to the respective Treasurers, to whom they are due, together with the name of the person appointed to complete the said collections ; and the person appointed as aforesaid, shall have power and authority to collect such sum or sums as shall remain due on the said bills, in as full and ample manner, as the said *Zachariah* originally had, and shall be under like obligations to pay the sum or sums that remain to be collected on the said bills, to the several Treasurers to whom they are respectively due ; and this resolve shall be considered as a sufficient warrant for the enforcing the payment of such taxes as may be due on the tax bills aforementioned.

XC.

Resolve appointing *Benjamin Lincoln*, *Thomas Rice*, and *Rufus Putnam*, Esquires, Commissioners to treat with the *Penobscot* tribe of Indians, respecting their claims on *Penobscot-River*, and empowering them to do and perform certain matters required by a resolve of *March* 18th, 1785, and directing the Secretary to notify said Commissioners of their appointment, and giving them certain instructions, and empowering the Governor and Council to give said Commissioners further instructions, and granting them *one hundred and fifty pounds*. July 6, 1786.

Whereas several gentlemen were appointed by a resolve of the General Court of *March* the eighteenth, 1785, to treat with the *Penobscot* tribe of Indians, respecting their claims to lands on *Penobscot-River*, and it does not appear that the said gentlemen ever met the said Indians for that purpose, and it being expedient that some measures be taken without delay, for effecting the valuable purposes intended by the said resolve.

Therefore *Resolved*, That *Benjamin Lincoln*, *Thomas Rice*, and *Rufus Putnam*, Esquires, or any two of them, be, and they are hereby appointed Commissioners to treat with the *Penobscot* tribe of Indians, respecting their claims to lands on *Penobscot-River*, and the said Commissioners are hereby fully authorized and empowered to do and perform the several matters and things required by, and contained in the said resolve of *March* 18th, 1785,

as fully and amply as the several gentlemen mentioned therein were by the said resolve empowered to do and perform, reference thereto being had. And the Secretary is hereby directed to notify the said Commissioners of their appointment, and to request of them an immediate answer of acceptance or refusal, and to furnish such as shall accept, with a copy of this and the aforesaid resolve of *March* the 18th, 1785, with such other papers as the said Commissioners may find necessary. And in case any one or more of the said Commissioners shall decline the service, the Governour, with advice of Council, is hereby authorized and empowered to appoint some other person or persons, to fill up the vacancy, and to assign some day in *August* next, or as soon as may be, for the meeting of the said Commissioners, in some place on *Penobscot-River*, for the aforesaid purpose.

And the said Commissioners are hereby instructed to consider of the expediency of opening a road from some part of *Penobscot* to *Schooduck*, and in what part it would be most convenient, should they conceive it expedient: and they are also directed to enquire into the state of such plantations, in the county of *Lincoln*, as are not incorporated, and what number of them are qualified for incorporation; the condition of the settlers in the several plantations; and where any complaints subsist among them, what they are, so that Government may adopt some suitable measures to give ease and relief to any that may have just reason to complain. And further, the said Commissioners are instructed, to consider of the expediency of making a division of the said county of *Lincoln* into two or more distinct counties.

And the Governour with the advice of Council, is hereby authorized and empowered, to give to the said Commissioners such further instructions and orders relative to the proposed treaty, and adjustment of the settlement with the said tribe of Indians, as may be found necessary to carry the said resolve of *March* the 18th, 1785, into execution, and conformably thereto.

And the said Commissioners are directed to make report of the whole of their doings hereon, to the Governour and Council, so that the same may be laid before the General Court at their next sitting.

And it is further *Resolved*, That there be allowed and paid unto the said Commissioners, the sum of *one hundred and fifty pounds*, to enable them to execute the business of their appointment, they to be accountable for the expenditure of the said money.

XCI.

Resolve relative to the Committee appointed 28th of *October* 1783, on the subject of the eastern unappropriated lands, directing the Commissary-General to furnish a quantity of provision, and empowering the said Committee to sell for specie, such a quantity of land as will amount to *six hundred pounds*, to enable them to execute the orders of the General Court. *July* 6, 1786.

On the report of the Committee appointed by a resolve of the General Court of the 28th of *October* 1783, on the subject of unappropriated lands in the county *Lincoln*:
Resolved,

Resolved, That the Commissary-General be, and he hereby is directed to furnish the said Committee with six barrels of pork, one barrel of beef, and eight hundred pounds of ship bread to enable them to prosecute the business of their commission; the said Committee to be accountable to the General Court for the expenditure of the same.

Resolved, That the Committee appointed by a resolve of the General Court, of the 28th of *October* 1783, on the subject of unappropriated lands in the county of *Lincoln*, be, and they hereby are authorized and empowered to sell for specie, such a quantity of land, as will amount to a sum not exceeding *six hundred pounds*, for the purpose of enabling them to execute the orders of the General Court, relative to the object of their appointment, they to be accountable for the expenditure thereof.

XCII.

MESSAGE from his Excellency the Governour, by the Secretary.
July 7, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

THE last evening, by Mr. *Henry Thaxter*, I received a letter from *Stephen Jones* and *James Avery*, Esquires, dated at *Machias*, the 29th of *June*. They mention in it, that by letters from Col. *Allan*, and Mr. *Deslarnier* (a copy of which was enclosed) they are informed of a most daring insult upon the dignity of this Commonwealth, and the United States, committed on the 26th of that month, by the civil and custom-house officers of the *British* province of *New-Brunswick*, in seizing two vessels, the property of the citizens of this Commonwealth, and within the acknowledged jurisdiction of it. Col. *Allan's* letter, dated at *Dudley-Island*, the 27th of *June*, mentions, that the acts of *New-Brunswick*, which are now published, extends the western boundary of *Charlotte* county, to the western shore of *Passamaquoddy-Bay*; that the seventh parish, called the *West-Isles*, includes *Moose*, *Dudley* and *Frederick-Islands*, expressly; and consequently that the United States are wholly debarred from all navigation in, and into that bay.

By enquiry of Mr. *Thaxter*, I find the two vessels were seized as they lay at anchor near the western shore of the west passage into *Passamaquoddy*.— This conduct corresponds to those acts, and both together, shew a disposition to exclude us from the navigation of the bay, and at the same time must be considered as a violation of the definitive treaty of peace between the United States and *Great-Britain*.

I have lately received two depositions from Mr. *Avery*, above-mentioned, dated the 12th of *May*, at *Moose-Island*, concerning the conduct of Sheriff *Wire*, an officer of *New-Brunswick*: which have been obtained in consequence of a resolve of the General Court, passed at the last session. These, with the letters above referred to, will be laid before you, Gentlemen, for your information and determination concerning the subject of them.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *July 7, 1786.*

Message

XCIII.

MESSAGE from his Excellency the Governour, by the Secretary.
July 7, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

THE post of last night brought me a letter from our Delegates in Congress, dated the 30th. ultimo, enclosing a copy of a joint letter from them, and the Delegates of *New-York*, to Messrs. *Erving* and *Rittenhouse*, two of the Commissioners appointed to settle the eastern boundary line of that State.

It appears by the joint letter, that the Delegates of the two States are of opinion, that the actual running of that line may with greater facility be effected in the fall of the year, and therefore propose the beginning of *October* next as a proper time to commence the executing it: but if that time should not comport with the other engagements of those Commissioners, they say they must submit to its being deferred another year.

They add, that they have such perfect reliance on their integrity, and abilities, as, in case of Mr. *Hutchins's* inability to attend, supercedes the necessity of any other appointment.

You will probably think it proper, Gentlemen, that the Agents on our part, appointed to attend those Commissioners, should as soon as possible, be notified of the postponement of this business.

JAMES BOWDOIN.

COUNCIL-CHAMBER, July 7, 1786.

XCIV.

MESSAGE from his Excellency the Governour, by the Secretary.
July 7, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

IN my address to you at the beginning of the present session, among other matters of importance, I informed you, that this State, with regard to a balance due to the United States, is considerably in arrear; and that the Loan-Officer had been with me, requesting, that I would represent to the General Court the urgent necessity which presses for the speedy payment of it.

I have just received a letter from the same officer, who has been enjoined by the Commissioners of the Board of Treasury to renew his application to the Government of this Commonwealth, that some effectual measures may be adopted to hasten the collection of the taxes appropriated to the United States. Mr. *Appleton's* application to me on the subject, together with Treasurer *Ivers's* confirmation of statement of payments, made since *December 1783*, will be delivered to you by the Secretary.

JAMES BOWDOIN.

COUNCIL-CHAMBER, July 7, 1786.

Resolve

XCV.

Resolve directing the Commissary-General to purchase six brass cannon, for the use of this Commonwealth; and grant to, &c. July 7, 1786.

Whereas it is necessary, that the several artillery companies within this Commonwealth should be immediately furnished with cannon, to compleat which salutary measure, a sufficient number are not yet provided:

Resolved, That the Commissary-General be, and he hereby is empowered and directed to purchase, for the use of this Commonwealth, six brass cannon, each carrying a four pound shot, if to be bought at the rate of one shilling for each pound that they weigh; and at six months credit.

Resolved, That there be paid out of the treasury of this Commonwealth, to the Commissary-General, for the purpose aforesaid, and six months after such purchase may be made, such sum or sums as the said six cannon may amount to, at the rate aforesaid.

XCVI.

Resolve on the petition of *James McKinstry*. July 7, 1786.

On the petition of *James McKinstry*, praying that certain lands may be sold to him, which belong to this Commonwealth:

Resolved, for reasons set forth in said petition, that the Committee appointed to sell the estates of conspirators and absentees in the county of *Worcester*, be; and they are hereby impowered and directed to sell to the said *James McKinstry* a tract of land lying in *Charlton*, in said county, containing about seventy acres, being that part of a tract of land known by the name of *Brown's farm*, which was leased to the said *James* on the twenty-fifth day of *October* 1779, by *Lemuel Kollock*, Esq; in behalf of the Commonwealth, and *Elijah Dunbar*, Esq; in behalf of himself, and of the other tenants in Common of said tract of land; said *James McKinstry* paying to the committee aforesaid such consideration therefor as they shall judge would be the value of the land at the time of sale, were the same in a state of nature; and the said Committee are hereby empowered to appraise the said land in the securities of this Commonwealth or the securities of the United States, called final settlements, and to receive payment therefor, in such securities as the same may have been appraised in.

XCVII.

Resolve requesting the Honourable *John Hancock*, Esq; to renew his application in order to carry into effect the resolve of *October* 28th, 1783, to obtain the amount of a certain note given by *Michael Hilligas*, and report to the General Court. July 7, 1786.

Q.

Whereas

Whereas a resolve was passed *October 28th, 1783*, requesting his Excellency *John Hancock Esq;* to use his endeavours to obtain the amount of a certain note, given by *Michael Hilligas, Esq;* to said *Hancock*, by procuring an order on *James Lovell, Esq;* Continental receiver of taxes of this State; and notwithstanding his repeated applications on the subject, nothing as yet has been obtained: Therefore,

Resolved, That the Honourable *John Hancock, Esq;* be, and he hereby is requested to renew his applications, in order to carry into effect the resolve of *October 28th, 1783*, and make report of his proceedings to the General Court, at their next sitting.

XCVIII.

Resolve directing the Secretary to make enquiry relative to *Jasper Mauduit's* accounts. *July 7, 1786.*

Resolved, That the Secretary be, and he hereby is directed to make enquiry into the state of the accounts of *Jasper Mauduit, Esq;* late Agent of the Province, now State of *Massachusetts*, and lay a statement of the same before the General Court, at their next sitting.

XCIX.

Resolve instructing the Commissioners, appointed to represent this Commonwealth in the commercial convention to be held at *Annapolis*, the first Monday in *September* next. *July 7, 1786.*

Resolved, That the Commissioners appointed to represent this Commonwealth in the commercial convention to be held at *Annapolis* the first Monday of *September* next, be, and they are hereby instructed to propose, and use their endeavours for carrying into effect a general regulation throughout the United States, whereby a quarter part, or some other proportion of the amount of all produce and manufactures, exported from the several States, shall be imported in specie, in order to increase a medium of commerce, so much wanted throughout the union.

C.

Resolve authorizing the Commissary-General to make such repairs at Castle-Island as are necessary, and granting him *four hundred pounds.* *July 7, 1786.*

Resolved, That the Commissary-General be, and he is hereby authorized and directed to make such repairs at Castle-Island as are necessary to secure the west head from wasting away, by making a wooden wharf round the same; to prevent the further ruin of the embrasures, by new casing the same with fresh sods; and to repair the platforms.

And

And it is further *Resolved*, That the sum of *four hundred pounds* be paid out of the treasury of this Commonwealth to *Richard Devens*, Esq; Commissary-General, to enable him to begin the repairs aforesaid.

CI.

Report on the Governour's Speech respecting the finances of this Commonwealth, proposing to the creditors of government a system of payment, and directing the Treasurer to suspend until the first of *April* next, issuing his warrants for apportioning and collecting the sums that are or may be due in consequence of certain supply bills. *July 7, 1786.*

The Committee of both Houses, appointed to take into consideration that part of his Excellency's Speech, which respects the finances of this Commonwealth, ask leave to report :

That it appears, that the General Court in order to obtain loans to defray the necessary expences of the late war, stipulated in the supply bills for the payment of those loans at an earlier period than is within the abilities of the people to pay, and that those supply bills require the Treasurer, after the first of *July* next, to issue his warrants for apportioning and collecting a larger sum, than will at that time become due ; and that the annual expences of government will considerably increase the debt, and that in addition to the domestic debt of this State, this Commonwealth, by the confederation, is solemnly bound to pay its proportion of the federal debt, which will amount to a very considerable sum annually ; that attempts however have been made by government, to comply with their promise ; in consequence of which, taxes have issued for the redemption of the army notes, amounting to *two hundred and forty thousand pounds* ; which with the other taxes now laying on the people, is as much as can be paid in the course of the current year. This being the embarrassed situation of the finances of this Commonwealth, it is the opinion of the Committee, founded on the foregoing facts, that it is advisable, if not absolutely necessary, to propose to the creditors of government, a system of payment, by which certain proportions of the debt, to which the public ability would probably be equal, should be annually paid, until the whole be extinguished, and that this system be adopted and carried into effect, at the next sitting of the General Court ; and that the Treasurer of this Commonwealth be directed to suspend until the first of *April* next, issuing his warrants for apportioning and collecting the sums that are or may be due in consequence of the aforesaid supply bills ; and that on every principle of justice and good policy, it will be indispensibly necessary to continue the impost and excises which are appropriated for the payment of the interest of the loans of this State, and otherways, to make ample provision for the punctual payment of the interest of the aforesaid loans, until the whole debt shall be discharged. Your Committee also are informed by the Treasurer, that there is *twenty-three thousand six hundred and thirty-five pounds, sixteen shillings and eleven*

eleven pence three farthings of the new emission money, not yet collected; but as the General Court have passed an order the present session, respecting the collecting certain arrearages of taxes, they conceive it will not be necessary to pass any further order respecting that matter.

Read and accepted.

CII.

Resolve on the petition of *Exra Sewell*, to serve the adverse party with a copy of his petition, and order, to shew cause, &c. July 7, 1786.

On the petition of *Exra Sewell*:

Resolved, That the said *Exra Sewell* serve the adverse party with an attested copy of his petition, and this order thereon, ten days at least before the second Wednesday of the next sitting of the General Court, then to appear and shew cause, if any there be, why the prayer of said petition should not be granted; and that in the mean time the execution on the judgement referred to in the petition, be stayed.

CIII.

Resolve on the Governour's message respecting the expediency of granting a tax on the polls and estates, sufficient to procure fifty tons of salt petre, and the inexpediency of casting cannon. July 8, 1786.

The Committee of both Houses, who had in charge his Excellency's messages of the 21st of *February*, and the 8th of *June*, 1786, have attended the service, and ask leave to report as their opinion, that it will be expedient to grant a tax upon the polls and estates in this Commonwealth, sufficient to procure fifty tons of salt petre, to be paid in money or salt petre, on or before the first day of *July* next.

The Committee are further of opinion that it would not be expedient at present for this Commonwealth to cast cannon, as mentioned in his Excellency's message.

Read and accepted.

CIV.

Order for the Secretary to publish in the resolves of the present session, the sum each town, district and plantation is to pay on the *thousand pounds*, apportioned by the last valuation. July 8, 1786.

Ordered, That the Secretary be, and he hereby is directed to cause to be printed among the resolves of the present session of the General Court, the sum each town, district and plantation in this Commonwealth, is to pay on the *thousand pounds*, as set and apportioned by the last valuation.

Here follows the fums, &c.

County of *S U F F O L K*.

BOSTON, Sixty-seven pounds three shillings and eight pence one farthing,
Roxbury, Eight pounds thirteen shillings and four pence,
Dorchester, Seven pounds three shillings and three farthings,
Milton, Three pounds, fifteen shillings and seven pence,
Weymouth, Four pounds and ten pence one farthing,
Hingham, Five pounds sixteen shillings and four pence three farthings,
Braintree, Eight pounds seventeen shillings and seven pence,
Brookline, Two pounds fifteen shillings and five pence,
Dedham, Five pounds seven shillings and five pence half-penny,
Needham, Two pounds nineteen shillings and eight pence three farthings,
Medfield, Two pounds eight shillings and half-penny,
Stoughton, Five pounds fifteen shillings and six pence half-penny,
Wrentham, Four pounds two shillings,
Walpole, Two pounds nine shillings and six pence,
S Sharon, Two pounds nine shillings and four pence one farthing,
Cobassett, Two pounds one shilling and nine pence,
Franklin, Three pounds and six pence three farthings,
Medway, Two pounds seventeen shillings and seven pence half-penny,
Bellingham, One pound thirteen shillings and nine pence three farthings,
Hull, Eight shillings and eleven pence,
Chelsea, Two pounds one shilling and eleven pence half-penny,
Foxborough, One pound six shillings and five pence,
Dover, One pound twelve shillings and two pence one farthing.

County of *E S S E X*.

Salem, Nineteen pounds five shillings and seven pence,
Danvers, Seven pounds three shillings and seven pence half-penny,
Newbury, Ten pounds ten shillings and six pence one farthing,
Newbury-Port, Fourteen pounds five shillings and one penny, three farthings,
Beverly, Eight pounds eleven shillings and two pence one farthing,
Ipswich, Eleven pounds eleven shillings and six pence one farthing,
Marblehead, Seven pounds eleven shillings and four pence three farthings,
Gloucester, Seven pounds three shillings and six pence,
Lynn, Four pounds eighteen shillings and two pence,
Lynnfield, One pound six shillings and four pence,
Andover, Nine pounds six shillings and eleven pence three farthings,
Rowley, Five pounds eight shillings and four pence one farthing,
Topsfield, Two pounds sixteen shillings and nine pence three farthings,
Haverhill, Six pounds four shillings,
Salisbury, Four pounds ten shillings and one farthing,
Almsbury, Four pounds three shillings and eleven pence,
Boxford, Three pounds seven shillings and four pence three farthings,
Bradford, Three pounds nineteen shillings and seven pence,

R

Metbuen,

Metbuen, Three pounds seven shillings and one penny,
Wenbam, One pound ten shillings and one penny three farthings,
Manchester, One pound six shillings and three pence,
Middleton, Two pounds three shillings and five pence half-penny.

County of *MIDDLESEX*.

Cambridge, Seven pounds five shillings and one penny,
Charleston, Three pounds eight shillings,
Watertown, Three pounds five shillings and three pence,
Woburn, Four pounds eighteen shillings and one penny,
Concord, Four pounds five shillings and four pence,
Newton, Four pounds six shillings and six pence,
Reading, Four pounds fifteen shillings and three pence,
Marlborough, Five pounds two shillings and ten pence,
Billerica, Three pounds ten shillings and one penny,
Framingham, Four pounds nine shillings and two pence,
Lexington, Two pounds fourteen shillings and eleven pence,
Chelmsford, Three pounds six shillings and eleven pence,
Sherburn, Two pounds nine shillings and seven pence,
Sudbury, Three pounds seven shillings and nine pence,
Malden, Two pounds ten shillings and ten pence,
Weston, Two pounds fifteen shillings and three pence,
Medford, Three pounds seven shillings and nine pence,
Hopkinton, Two pounds nineteen shillings and five pence,
Westford, Three pounds three shillings and four pence,
Stow, Two pounds three shillings and two pence,
Groton, Four pounds eighteen shillings,
Shirley, One pound seven shillings and ten pence,
Pepperrell, Two pounds eleven shillings and three pence,
Lincoln, Two pounds two shillings and four pence,
Tewksbury, Two pounds three shillings and two pence,
Ashby, One pound five shillings and eight pence,
Carlisle, One pound ten shillings and five pence,
East-Sudbury, Two pounds nine shillings and eleven pence,
Waltham, Three pounds one shilling and four pence,
Townshend, One pound eighteen shillings and eight pence,
Dracut, Two pounds nine shillings and seven pence,
Bedford, One pound nineteen shillings and seven pence,
Holliston, Two pounds thirteen shillings,
Acton, One pound nineteen shillings and ten pence,
Dunstable, Two pounds three shillings,
Wilmington, One pound thirteen shillings and six pence,
Littleton, Two pounds six shillings and six pence,
Natick, One pound twelve shillings and three pence one farthing,
Stoneham, One pound one shilling and seven pence,

Boxborough,

Boxborough, One pound and two pence.

County of *HAMP SHIRE*.

Springfield, Four pounds and three pence one farthing,
Long-Meadow, One pound fifteen shillings and three pence three farthings;
West-Springfield, Five pounds eight shillings and five pence one farthing,
Wilbraham, Three pounds and eight pence,
Northampton, Four pounds eleven shillings and eleven pence half-penny,
Southampton, One pound fourteen shillings and three pence one farthing;
Hadley, Two pounds twelve shillings and eight pence half-penny,
South-Hadley, One pound fifteen shillings and ten pence one farthing,
Amherst, Two pounds fifteen shillings and one farthing,
Granby, One pound eight shillings and three farthings,
Hatfield, Two pounds ten shillings and one penny half-penny,
Whateley, One pound six shillings, and eight pence one farthing,
Williamsburg, One pound nine shillings and three farthings,
Westfield, Four pounds one shilling and five pence one farthing,
Deerfield, Three pounds nine shillings and two pence three farthings;
Greenfield, Two pounds thirteen shillings,
Shelburn, One pound sixteen shillings,
Conway, Three pounds three shillings,
Sunderland, One pound five shillings and ten pence half-penny,
Montague, One pound fourteen shillings and four pence one farthing;
Northfield, Two pounds and six pence one farthing,
Brimfield, Three pounds four shillings and two pence three farthings;
South-Brimfield, One pound two shillings and half-penny,
Monson, One pound nineteen shillings and three pence,
Pelham, Two pounds and four pence half-penny,
Greenwich, One pound eighteen shillings,
Blanford, Two pounds fifteen shillings and seven pence,
Palmer, One pound fourteen shillings and five pence,
Granville, Three pounds fourteen shillings and three pence,
New-Salem, Two pounds nine shillings and two pence,
Belchertown, Two pounds thirteen shillings and four pence,
Colerain, Two pounds one shilling and six pence,
Ware, One pound five shillings and half-penny,
Warwick, One pound ten shillings and one penny one farthing,
Barnardston, One pound three shillings and nine pence half-penny;
Chester, One pound six shillings and two pence three farthings,
Charlemont, Seventeen shillings and five pence three farthings,
Ashfield, Two pounds,
Worthington, Two pounds two shillings and five pence,
Shutebury, Nineteen shillings and two pence,
Chesterfield, One pound nineteen shillings and four pence three farthings,
Gosben, One pound one shilling and four pence,

Southwick.

Southwick, One pound nine shillings,
Norwich, Seventeen shillings and four pence half-penny,
Ludlow, Nineteen shillings and six pence three farthings,
Leverett, Sixteen shillings and one penny half penny,
Westhampton, Eighteen shillings and two pence,
Montgomery, Ten shillings and eight pence half-penny,
Plantation, No. 7, Eight shillings and one penny one farthing,
Cummington, One pound thirteen shillings and nine pence half-penny,
Buckland, Thirteen shillings,
Middlefield, Fourteen shillings and nine pence half-penny,
Wendell, Fourteen shillings and eleven pence one farthing,
Orange, Nineteen shillings and one penny one farthing,
Holland, Sixteen shillings and two pence,
Leyden, Eighteen shillings and nine pence one farthing,
Rowe, Twelve shillings and one penny,
Heath, Nine shillings and eight pence,
District East-Hampton, One pound one shilling and three farthings.

County of *P L Y M O U T H*.

Plymouth, Four pounds sixteen shillings and three pence one farthing,
Sitate, Seven pounds six shillings and two pence three farthings,
Duxbury, Two pounds ten shillings and three pence three farthings,
Marshfield, Three pounds ten shillings and eight pence half-penny,
Bridgewater, Thirteen pounds thirteen shillings and three pence half-penny,
Middleborough, Ten pounds and five pence half-penny,
Rochester, Four pounds fifteen shillings and eight pence half-penny,
Plympton, Three pounds six shillings and three pence,
Pembroke, Four pounds four shillings and eleven pence,
Kingston, One pound nineteen shillings and seven pence,
Hanover, Two pounds six shillings and seven pence,
Abington, Three pounds seventeen shillings and three farthings,
Halifax, One pound twelve shillings and two pence half-penny,
Wareham, One pound six shillings and six pence.

County of *B A R N S T A B L E*.

Barnstable, Four pounds twelve and eight pence half-penny,
Sandwich, Three pounds thirteen shillings and five pence half-penny,
Yarmouth, Three pounds seven shillings and five pence half-penny,
Harwick, Two pounds twelve shillings and eleven pence one farthing,
Eastham, Two pounds and two pence half-penny,
Chatham, One pound nine shillings and nine pence,
Wellfleet, One pound four shillings and three pence three farthings,
Truro, One pound four shillings,
Falmouth, Two pounds eleven shillings and one penny three farthings,
Provincetown,

Provincetown, Seven shillings and seven pence three farthings,

County of *B R I S T O L*.

Taunton, Eight pounds,
Rehoboth, Nine pounds,
Swansey, Five pounds three shillings and one penny,
Dartmouth, Fifteen pounds two shillings and seven pence half-penny,
Norton, Three pounds seven shillings and nine pence,
Mansfield, Two pounds two shillings and six pence,
Attleborough, Five pounds twelve shillings and three pence,
Dighton, Three pounds four shillings,
Freetown, Three pounds eighteen shillings and ten pence,
Raynham, Two pounds seven shillings and eleven pence three farthings,
Easton, Two pounds twelve shillings and six pence,
Berkley, One pound sixteen shillings and ten pence.

County of *Y O R K*.

York, Six pounds four shillings,
Kittery, Six pounds nine shillings and one penny,
Wells, Five pounds ten shillings and six pence,
Berwick, Eight pounds fourteen shillings and three pence,
Arundell, Two pounds sixteen shillings,
Biddeford, Two pounds nine shillings,
Pepperelborough, Two pounds five shillings,
Lebanon, One pound ten shillings and nine pence,
Sandford, One pound ten shillings and nine pence,
Buxton, One pound nineteen shillings,
Fryeburgh, Nineteen shillings,
Coxball, One pound,
Massabesick, Fifteen shillings,
Limerick, Nine shillings,
Brownfield, Six shillings,
Littlefalls, Twelve shillings,
Shapleigh, One pound two shillings and one penny,
Little Ossipee, Thirteen shillings and two pence,
Washington Plantation, Seven shillings and three farthings,
Pearsonfield, One pound one shilling and half-penny,
Francisborough Plantation, Seven shillings and half-penny.

County of *D U K E S-C O U N T Y*.

Edgarton, Two pounds five shillings and seven pence one farthing,
Chilmark, Two pounds nine shillings and seven pence one farthing,
Tisbury, One pound fifteen shillings and five pence,

County of *NANTUCKET*.

Sherburne, Six pounds seventeen shillings and ten pence.

County of *WORCESTER*.

Worcester, Five pounds fifteen shillings and six pence,
Lancaster, Three pounds thirteen shillings and three pence half-penny,
Mendon, Three pounds eleven shillings and eight pence,
Brookfield, Seven pounds seventeen shillings and five pence half-penny,
Oxford, Two pounds four shillings eleven pence one farthing,
Charlton, Three pounds fifteen shillings and five pence,
Sutton, Seven pounds two shillings nine pence one farthing,
Leicester, Two pounds nineteen shillings, and ten pence half-penny,
Spencer, Three pounds eight shillings and two pence one farthing,
Rutland, Three pounds eleven shillings and nine pence,
Paxton, One pound fourteen shillings and eleven pence,
Oakham, One pound thirteen shillings,
Barre, Four pounds thirteen shillings and eight pence three farthings,
Hubbardston, One pound fourteen shillings and three pence one farthing,
New-Braintree, Two pounds four shillings and seven pence half-penny,
Southborough, Two pounds five shillings and two pence,
Westborough, Two pounds thirteen shillings eleven pence one farthing,
Northborough, One pound fifteen shillings and nine pence,
Shrewsbury, Five pounds fourteen shillings and nine pence,
Lunenburg, Three pounds four shillings and four pence one farthing,
Fitchburg, Two pounds four shillings and five pence three farthings,
Uxbridge, Three pounds five shillings and six pence,
Harvard, Three pounds six shillings and one penny three farthings,
Dudley, Two pounds seven shillings and ten pence,
Bolton, Two pounds eight shillings and five pence three farthings,
Upton, Two pounds and six pence,
Sturbridge, Three pounds twelve shillings and eleven pence,
Leominster, Two pounds twelve shillings and nine pence half-penny,
Hardwick, Four pounds seven shillings and seven pence,
Holden, Two pounds eight shillings,
Western, Two pounds nine shillings and two pence,
Douglasi, One pound nineteen shillings,
Grafton, Two pounds twelve shillings and six pence,
Petersham, Three pounds fourteen shillings and three pence,
Royalston, One pound fifteen shillings,
Westminster, Three pounds four shillings,
Templeton, Two pounds eighteen shillings and three pence,
Princeton, Two pounds eleven shillings and six pence,
Ashburnham, One pound thirteen shillings and one penny,
Winchendon, Two pounds one shilling,

Northbridge,

Northbridge, One pound two shillings,
Ward, One pound eight shillings and one penny,
Atbol, Two pounds two shillings and eight pence,
Milford, Two pounds eight shillings and five pence,
Sterling, Three pounds sixteen shillings and eight pence three farthings,
Berling, One pound five shillings and two pence three farthings.

County of CUMBERLAND.

Falmouth, Seven pounds eleven shillings and seven pence half-penny,
North-Yarmouth, Five pounds two shillings,
Scarborough, Four pounds twelve shillings and one penny,
Brunswick, Two pounds two shillings and six pence,
Harpswell, One pound sixteen shillings,
Cape-Elizabeth, Two pounds six shillings and six pence,
Gorham, Three pounds six shillings,
Windham, One pound thirteen shillings, and six pence,
New-Gloucester, One pound nineteen shillings and half-penny,
Gray, Fourteen shillings and seven pence one farthing,
Pearsontown now Standish, Nineteen shillings and six pence,
Royalborough, Fourteen shillings,
Raymondstown, Six shillings and six pence,
Bakerstown, Ten shillings and eight pence half-penny,
Sylvester, Nine shillings and eleven pence three farthings,
Bridgetown, Eight shillings and five pence three farthings,
Shepardstown, Eight shillings and three pence,
Otisfield-Plantation, Six shillings.

County of LINCOLN.

Pownalborough, Two pounds nineteen shillings and seven pence half-penny,
Georgetown, Two pounds fourteen shillings and five pence,
New-Castle, One pound eight shillings and eight pence one farthing,
Woolwich, One pound eleven shillings and one penny half-penny,
Waldoborough, One pound eight shillings and eight pence,
Topsham, One pound four shillings and ten pence,
Winslow, Thirteen shillings and three pence half-penny,
Bowdoinham, One pound and half-penny,
Boothbay, One pound seven shillings and ten pence one farthing,
Bristol, Two pounds seven shillings and eight pence,
Vassalborough, One pound nine shillings and six pence half-penny,
Edgcomb, One pound three shillings and one penny half-penny,
Hollowell, One pound eleven shillings and six pence half-penny,
St. George's, Seventeen shillings and five pence three farthings,
Warren, Fourteen shillings and ten pence half-penny,
Thomaston, Thirteen shillings and seven pence half-penny,

Bath,

Bath, One pound thirteen shillings and two pence half-penny,

Wintthrop, One pound one shilling and nine pence half-penny,

Lewiston, Eleven shillings and seven pence,

Ballston, Eleven shillings and four pence half-penny,

Walpole, Thirteen shillings and half-penny,

Wales, Six shillings and five pence,

Canaan, Eleven shillings and four pence three farthings,

Pittston, Nineteen shillings and half-penny,

Meduncook, Eleven shillings and eight pence three farthings,

Noridgewalk, Seven shillings and nine pence,

Sterlington, Four shillings and four pence,

Belfast, Five shillings and two pence one farthing,

Machias, One pound and two pence,

Camden, Six shillings and six pence half-penny,

Hancock, Ten shillings and seven pence half-penny,

Mount-Desert Plantation, Fifteen shillings and three pence.

Plantation No. 1,

east side of *Penobscot-*
River, } Six shillings and nine pence,

No. 2, Seven shillings and half-penny,

No. 3, One pound two shillings and nine pence three farthings,

No. 4, Twelve shillings and half-penny,

No. 5, Ten shillings and four pence three farthings,

No. 6, Ten shillings and four pence three farthings,

Plantation No. 1,

east side of *Union-Ri-*
ver, } Twelve shillings and four pence three farthings,

No. 2, Eleven shillings and three pence three farthings,

No. 3, Eight shillings and one penny one farthing,

No. 4, Four shillings and ten pence,

No. 5, Ten shillings and one penny three farthings,

No. 6, Seven shillings and ten pence half-penny,

Plantation No. 22, Four shillings and one penny,

Plantation on the west

side of *Penobscot-Ri-*

ver, from *Belfast* so

far up the river as to

include the Widow

Wheeler's mills,

} Ten shillings and seven pence,

Plantation on the west

side of the said river,

from the Widow

Wheeler's mills up the

river,

} Eight shillings and ten pence three farthings,

Deer-Island Plantation } One pound two shillings and one penny half-
in *Penobscot-Bay*, } penny,
Fox-Island Plantation, twelve shillings and nine pence half-penny,
Penobscot Long-Island, Seven shillings and ten pence one farthing.

County of *B E R K S H I R E*:

Sheffield, Five pounds and two pence one farthing,
Great-Barrington, Three pounds and seven pence half-penny,
Stockbridge, Three pounds and five pence,
Pittsfield, Four pounds fifteen shillings and four pence one farthing;
Richmond, Three pounds seven shillings and four pence half-penny,
Lenox, Two pounds fourteen shillings and nine pence one farthing,
Lanesborough, Four pounds eight shillings and five pence half-penny,
Williamston, Three pounds eight shillings and six pence,
Adams, Three pounds fourteen shillings and one penny half-penny,
Egremont, One pound eleven shillings and nine pence,
Becket, One pound four shillings and three pence one farthing,
West-Stockbridge, One pound thirteen shillings,
Dalton, Eighteen shillings and five pence half-penny,
Alfred, Nineteen shillings and five pence,
New-Ashford, Ten shillings and half-penny,
New-Marlborough, Two pounds fourteen shillings and nine pence three
farthings,
Tyringham, Two pounds six shillings and five pence,
Loudon, Nine shillings and seven pence one farthing,
Windfor, One pound fourteen shillings and three pence half-penny,
Partridgefield, One pound seven shillings and three pence one farthing;
Hancock, One pound fourteen shillings and ten pence three farthings,
Lee, One pound eighteen shillings and eight pence half-penny,
Washington, Eighteen shillings and one farthing,
Sandisfield, Three pounds seven shillings and ten pence half-penny,
Mount-Washington, Five shillings and eleven pence one farthing.

Ordered, That there be deducted from the town of *Ipswich*, and added to
the town of *Rowley*, one shilling and six pence half-penny,
Deducted from the town of *Conway* and added to *Goffen*, eight pence,
Deducted from the town of *Westminster*, seven shillings and nine pence
one farthing,
Deducted from the town of *Templeton*, one penny half-penny,
Deducted from the town of *Winchendon*, four shillings and eight pence
half-penny,
And deducted from the town of *Ashburnham*, two shillings and four
pence half-penny,
Placed from the town of *Gardner*, fourteen shillings and eleven pence
three farthings,

T

Deducted

Deducted from the town of *Framingham* and added to *Southborough*, one shilling and three pence,
 Deducted from the town of *Shrewsbury*, two pounds thirteen shillings and nine pence three farthings,
 And placed to the town of *Boylston*, two pounds thirteen shillings and nine pence three farthings.

CV.

Resolve appointing *Caleb Strong*, and *David Smead*, Esq's. a Committee to sell land. July 8, 1786.

Whereas it is represented to this Court, that there is a gore or piece of land laying in the county of *Hampshire*, adjoining on the town of *Albfield*, and *Plantation No. 7*, containing about five hundred acres, which is the property of this Commonwealth :

Resolved, That *Caleb Strong* and *David Smead*, Esq's. be, and they are hereby appointed a Committee to make sale of land either at public or private sale, as they shall judge most for the interest of Government, and receive in pay therefor, either continental securities, or the securities of this Commonwealth, and pay the same into the treasury, and take duplicate receipts therefor, one of which to be lodged in the Secretary's office. And the said *Caleb Strong* and *David Smead*, are hereby empowered to make and execute a good and sufficient deed or deeds of the land aforesaid in behalf of this Commonwealth, to the purchaser or purchasers of the same : report of their doings herein to be made to the General Court, at their next session.

CVI.

Resolve on the petition of *Seth Washbourn*, and *Abner Holden*, Esq's, grant to, of eight pounds sixteen shillings. July 8, 1786.

On the petition of *Seth Washbourn* and *Abner Holden*, Esq's, praying allowance of their account of time and expence in surveying and selling land belonging to this Commonwealth :

Resolved, That there be allowed and paid, out of the public treasury of this Commonwealth, to *Seth Washburn* and *Abner Holden*, Esq's, the sum of eight pounds sixteen shillings, in full discharge of their account.

CVII.

Resolve remitting a fine of forty-five pounds to the town of *Marlborough*. July 8, 1786.

On the petition of the Selectmen of the town of *Marlborough*, praying that the fine of forty-five pounds, imposed on the town of *Marlborough* by the House

House of Representatives, for not choosing a Representative the last year; may be remitted to said town for reasons set forth in said petition ;

Resolved, That the sum of *forty-five pounds*, in full of the fine laid on said town of *Marlborough*, be, and hereby is remitted to said town, and the Treasurer of this Commonwealth is hereby directed to govern himself accordingly.

CVIII.

Resolve on the petition of *Reuben Colburn*. July 8, 1786.

On the petition of *Reuben Colburn*, praying for reasons set forth in said petition, that execution be staid against the town of *Pitston* :

Resolved, That the Treasurer be, and he hereby is directed, not to issue execution against the said town of *Pitston*, for taxes due from said town to Government, till the expiration of three months from the passing of this resolve ; any resolve to the contrary notwithstanding.

CIX.

Resolve directing the Committee for methodizing accounts, to adjust and settle the accounts of the Hon. *John Lowell*, as one of the Delegates of this Commonwealth, and the sum due to be paid out of the treasury. July 8, 1786.

Resolved, That the Committee for methodizing and liquidating public accounts be, and they are hereby authorized and empowered to adjust and settle the accounts of the Hon. *John Lowell*, Esq; as one of the late Delegates of this Commonwealth in Congress, agreeably to the principles that the accounts of the other Delegates were settled upon.

And it is further *Resolved*, That the sum that may be due to the said *Lowell*, be paid out of the treasury of the Commonwealth.

CX.

Resolve directing the Secretary to notify the Commissioners to settle the eastern boundary line between this state and *New-York*, of postponing the time of meeting to the 1st of *October* next ; and requesting the Governor with advice of Council, in the recess, to take order relative to the business. July 8, 1786.

Whereas it appears to this Court, That it is impracticable for the Commissioners appointed to settle the eastern boundary line between this Commonwealth and the state of *New-York*, to execute this business at the time heretofore agreed on :

Resolved;

Resolved, That the Secretary be, and he is hereby directed, without loss of time, to give notice to the Commissioners appointed on behalf of this state, to meet Commissioners appointed by the state of *New-York*, that their attendance on said business at the time appointed is not necessary, as said meeting is postponed to the first of *October* next.

And it is further *Resolved*, That his Excellency the Governour be, and he hereby is requested, with advice of Council in the recess of the General Court, to take such order relative to the said business, as shall appear to be necessary; and to authorize Doctor *Ewing*, and Mr. *Rittenhouse*, to run the said line in case Col. *Hutchins* cannot attend that business.

CXI.

Resolve on the petition of *Abner Holden*, empowering the Selectmen of the town of *Westminster* to choose a Collector. July 8, 1786.

On the petition of *Abner Holden*, praying that the town of *Westminster* may have liberty to choose a Constable or Collector for said town, to compleat the collection committed to *Nathan Wetherbee*, who is now confined by sickness:

Resolved, That the prayer thereof be granted, and that the Selectmen of the town of *Westminster* be, and they hereby are impowered and directed, as soon as may be, to call a meeting of the inhabitants of said town qualified according to law, to vote for town officers, for the purpose of choosing a Constable or Collector, who, when chosen and sworn, shall collect the taxes which were committed to the said *Nathan Wetherbee*, the Collector of said town for the year 1783, and which remain uncollected; and to proceed in the same manner in collecting the said taxes, and paying the same to the Treasurers, who have demands on the said *Nathan Wetherbee* for taxes, for the year 1783, as he the said *Nathan* might do, was he now able to officiate in the office of Constable or Collector, any law to the contrary notwithstanding.

CXII.

Resolve granting *one hundred and twenty-eight pounds eleven shillings and two pence* to *Richard Harris*, and *Burril Devereux*, for cloathing supplied continental army. July 8, 1786.

On the petition of *Richard Harris*, and *Burril Devereux*, praying for payment for shirts, shoes and blankets, supplied the continental army in the year 1780:

Resolved, That the prayer of the petition be granted, and that there be allowed and paid out of the treasury of this Commonwealth to the said *Harris* and *Devereux*, the sum of *one hundred and twenty-eight pounds eleven shillings and two pence*, in orders on the Collectors of *Marblehead*, and that the same be charged to the United States.

Resol ve

CXIII.

Resolve on the petition of *John Hunt*, to serve the adverse party with a copy of his petition, and the order, to shew cause, &c. July 8, 1786.

On the petition of *John Hunt*, praying a judgment obtained against him by *Jerathmeel Bowers*, may be set aside, for reasons set forth in his petition :

Resolved, That the said *John Hunt* serve the adverse party with an attested copy of his petition, and this order thereon, ten days at least before the second Wednesday of the next sitting of the General Court, then to appear and shew cause, if any there be, why the prayer of said petition should not be granted; and in the mean time that execution on said judgment be stayed.

CXIV.

Resolve granting *three hundred and ninety-six pounds eight shillings*, in securities, to *Stephen Rice* and others, for ordinance stores. July 8, 1786.

On the petition of *Stephen Rice* and others, requesting that they may be paid for ordinance stores furnished the public, conformably to a contract made by the board of war, *January 1777* :

Resolved, That there be paid in consolidated securities, out of the treasury of this Commonwealth, unto *Stephen Rice* and company, the sum of *three hundred and ninety-six pounds eight shillings*, to discharge their account, as certified July 3, 1786, by Messrs *Thomas Ivers*, and *Peter Roe Dalton*, a Committee on the accounts of the board of war.

CXV.

Resolve allowing the accounts of the Clerks in the Treasurer's Office. July 8, 1786.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to *Edward Parker*, the sum of *twenty-seven pounds eighteen shillings*; to *Onesiphorous Tilestone*, the sum of *twenty-eight pounds four shillings*, being in full for their services as Clerks in the Treasurer's office, to the 30th of *June* last; and the sum of *twenty-four pounds* to *Joseph Laughton*, being in full for his services in said office to the 5th of *July* instant, also the sum of *forty-three pounds* to *Samuel Foster*, in full for his services in the said office to the 7th of *July* instant.

CXVI.

Resolve appointing *Abner Holden*, Esq; to sell public land. July 8, 1786.

Whereas it is represented to this Court, that there is a gore or tract of land lying in the county of *Worcester*, bounded north on the line of *Fitchburg*, easterly on lands of *James Allen* and *Timothy Stearns*, and on the meadow lots, &c. and containing two hundred and eighteen acres and one hundred and thirty rods, which is the property of this Commonwealth:

Resolved, That *Samuel Baker*, and *Abner Holden*, Esq's, be, and they are hereby appointed a Committee to make sale of said land, either at public or private sale, as they shall judge most for the interest of Government, and receive in payment therefor either continental securities, or the securities of this Commonwealth, and pay the same into the treasury, and take duplicate receipts therefor, one of which to be lodged in the Secretary's office; and the said *Samuel Baker* and *Abner Holden*, are hereby empowered to make and execute a good and sufficient deed or deeds of the land aforesaid, in behalf of this Commonwealth, to the purchaser or purchasers of the same. Report of their doings herein to be made to the General Court, at their next session.

CXVII.

Resolve on the petition *Jacob Low*, and *John Trull*. July 8, 1786.

On the petition of *Jacob Low*, and *John Trull*, setting forth the loss they sustained by mistake of the Justice of the Peace, to whom they made complaint of *David Trull*, for the crime of theft:

Resolved, That the sum of *twelve pounds*, recovered in the Court of Common Pleas in the county of *Middlesex*, against the sureties of the said *David Trull*, for non-appearance, agreeable to their recognizance, to answer for said crime, be paid by the officer who has the execution against the said sureties, unto the said *Jacob Low*, and *John Trull*, as a full compensation for their loss and damage, as set forth in said petition, any act or resolve to the contrary notwithstanding.

CXVIII.

Resolve on the petition of *Samuel Fisk*. July 8, 1786.

Upon the petition of *Samuel Fisk*, setting forth, that a judgment was unduly obtained against him as administrator upon the estate of *Bradyll Smith* of *Weston*, in the county of *Middlesex*, deceased, at a Court of Common Pleas holden at *Groton* in the county of *Middlesex*, on the third Tuesday of *May* last past, by *Simeon Smith*, and praying that a new trial may be granted him:

Resolved, That the prayer of said petitioner be granted, and that the said judgment, and any execution or executions thereupon issued, and any levy made by virtue thereof, are declared null and void, and that the Clerk of the Court

Court of Common Pleas be, and he hereby is directed to bring the same action forward upon the docket of the said Court, and that the parties to the said action have day thereon at the next Court of Common Pleas to be holden at *Concord*, within and for the said county of *Middlesex*, on the second Tuesday of *September* next, and shall then and there be intitled to all pleas and benefits of a trial, in the same manner as if the judgment aforesaid had not been given. Provided that the said *Fisk* serve the said *Smith* with an attested copy of this resolve fourteen days before the sitting of the same Court.

CXIX.

Resolve on the petition of *William Jackson*. July 8, 1786.

Upon the petition of *William Jackson* :

Resolved, That all persons in the improvement of a dwelling-house, situate in Cornhill, in the town of *Boston*, by order of the Legislature, be, and they are hereby directed to deliver peaceable possession of the same, to the said *William Jackson*.

CXX.

Resolve desiring the Governour to enquire into the conduct of *Caleb Hyde*, Esq. July 8, 1786.

Resolved, That his Excellency the Governour be requested to enquire into the conduct of *Caleb Hyde*, Esq; Sheriff of the county of *Berkshire*, relating to the executions that have been committed to him by the Treasurer of this Commonwealth, and with the advice of Council take such measures concerning him, as may be consistent with the constitution.

CXXI.

Resolve authorizing the Governour to commission officers to every Cadet Company within this Commonwealth. July 8, 1786.

Resolved, That the Governour be, and he is hereby authorized and empowered to commission one Captain, one Capt. Lieutenant, one first Lieutenant, one second Lieutenant, and one Ensign, to every Cadet Company, which shall be raised within this Commonwealth.

CXXII.

Resolve discontinuing the bounty of four per cent. on consolidated notes &c. July 8, 1786.

Resolved,

Resolved, That the bounty of four per cent. heretofore allowed in consolidating Government securities, be, and it is hereby discontinued; and the Treasurer is hereby directed to govern himself accordingly, in the future consolidation of Government securities; which business the said Treasurer is directed to continue for the space of one year longer.

CXXIII.

Resolve directing the Commissary of pensioners to make return into the Secretary's office of the names of such persons borne on the pension list fit to do garrison duty, and the Governour with advice of Council to order such a number of pensioners from time to time, as are necessary to augment the garrison. July 8, 1786.

Whereas it is found, that the increase of convicts at Castle-Island, renders an augmentation of that garrison necessary:

Resolved, That the Commissary of pensioners be, and he hereby is directed to lodge in the Secretary's office, a list of the names of such persons, borne on the pension list, as in his opinion are able to do garrison duty. And that the Governour, by and with the advice, and consent of Council, is hereby impowered and requested to order so many of the said pensioners to Castle-Island, not exceeding fifty, as he from time to time may judge necessary, in order that the garrison aforesaid may be immediately reinforced from that corps; and the Commissary is hereby directed to govern himself accordingly.

CXXIV.

Resolve on the petition of the Selectmen of the town of *Windsor*, confirming the proceedings of the said town at their several meetings warned since *October* 1778. July 8, 1786.

On the petition of the Selectmen of the town of *Windsor*, setting forth, that since *October* A. D. 1778, it has been the usual practice in the said town, to warn the meetings thereof, by notifications, posted up by the Selectmen of said town, in some public place within the same, and that warnings of the said town-meetings, in manner aforesaid, have not been certified by a Constable, or any other person appointed for that purpose, by reason whereof, doubts have arisen respecting the legality of the proceedings at the said meetings: Therefore,

Resolved, That the proceedings of the said town, at their several meetings, warned as aforesaid, since the month of *October* A. D. 1778, with the doings of the several officers, chosen at such meetings, be, and the same are hereby confirmed, and shall be considered as valid and effectual in law, to all intents and purposes, as the same would have been, if the said meetings

had

had been notified by a Constable of the said town in pursuance of a warrant from the Selectmen thereof, and a certificate of such notification had been made by such Constable : and this resolve may be given in evidence under any general issue, in any action or actions, which may hereafter be commenced against any person or persons, for any thing done, pursuant to any vote or votes, at the said meetings.

CXXIV.

Resolve requesting the Governour to write to the Board of Treasury, to supply the Loan-Officer with indents. July 8, 1786.

Whereas it appears to this Court, that the Continental Loan-Officer in this Commonwealth, has not been supplied with a sufficient sum in indents for interest, due on loan-office certificates, and on liquidated debts of the United States, and the time prefixed for receiving such indents in discharge of the tax granted in *March* last, expires the first day of *January* next :

Therefore, *Ordered*, That his Excellency the Governour be, and he is hereby requested, as soon as may be, to write to the Board of Treasury, informing them, that the Continental Loan-Officer has not been supplied with a sufficient quantity of indents receiveable in the tax granted in *March* last, and requesting them to forward a supply without delay.

CXXV.

Order requesting the Governour to write to the Delegates respecting a mint. July 8, 1786.

Ordered, That his Excellency the Governour be, and he hereby is requested, to write to the Delegates of this Commonwealth in Congress, informing them, that it is the earnest wish of the legislature of this Commonwealth, to obtain a quantity of copper and silver coin, to be struck off for the use of this Commonwealth, and desiring them to acquaint him with the situation of the mint proposed for the service of the United States ;—when it may probably be ready for striking off coin ; and what the expence of coining copper or silver will be, and of any other circumstance relative thereto, which his Excellency may think proper.

CXXVI.

Resolve on the petition of *James Lyon*, directing the Commissary-General to give a certificate, of the sum of *forty-five pounds thirteen shillings and four pence*, due for rations, and directing the committee on the subject of unappropriated lands to receive said certificate. July 8, 1786.

W

Whereas

Whereas a resolve passed the General Court, on the fifteenth of *November*, 1780, in the words following: “*Resolved*, That the Rev. *James Lyon*, be entitled to receive two rations per day out of the public stores, in consideration of his officiating as chaplain to the troops at *Macbias*, until the further order of the General Court.” And whereas there appears to be due to the Rev. *James Lyon*, *forty-five pounds thirteen shillings and four pence* for rations from *July* 31st, 1781, to *January* 31st, 1783: Therefore,

Resolved, That the Commissary-General be, and he is hereby directed to give to the said *Lyon*, a certificate of the said sum of *forty-five pounds thirteen shillings and four pence*, being due to him, upon his signing a receipt to the said Commissary for the like sum, in full for rations from *July* 31st, 1781, to *January*, 31st 1783, being five hundred and forty-eight days, at two rations per day, making one thousand and ninety-six rations, the same to be charged to the United States.

And be it further *Resolved*, That the Committee appointed by the resolve of *October* 28th, 1783, on the subject of unappropriated lands in the county of *Lincoln*, are hereby directed to receive the said certificate in payment of such lands as they may sell to the said *Lyon*.

CXXVII.

Order on the Governour's message relative to a daring insult committed by the civil and custom-house Officers of the *British* province of *New-Brunswick*, in seizing two vessels within the acknowledged jurisdiction of this Commonwealth. *July* 8, 1786.

Ordered, That the Governour be, and he is hereby requested, to obtain an authenticated state of facts, and as soon as may transmit to Congress an account of the proceedings of the civil and naval-officers referred to in his message of the seventh instant, with such information relative thereto, as he may, with the advice of Council, judge necessary, and to take such further measures for supporting our territorial claims on the river *St. Croix*, securing the rights and privileges of the citizens of this Commonwealth, who may be settled on any of the said lands within its jurisdiction, as well as for maintaining the dignity of the Commonwealth, and that of the United States, as he, with the advice of Council, may think necessary and proper.

CXXVIII.

Resolve directing the Committee on unappropriated lands in *Lincoln* county, to provide a Minister for the plantations in said county, &c. *July* 8, 1786.

Whereas religion and morality have a direct tendency to promote the interest and happiness, not only of individuals, but of society in general; and it being the unhappiness of many of the infant plantations in the county of *Lincoln*, to be destitute of public religious instruction, and not under circumstances

stances to make necessary provision for the support thereof; and it being of the highest consequence, that the earliest foundation be laid in those infant settlements for acquiring the knowledge of, and of being led to the practice of religion and morality, this Court, from a due sense of their importance, and from a parental regard to those settlements, have resolved, and do hereby

Resolve, That the Committee on the subject of unappropriated lands in the county of *Lincoln*, be, and they are hereby directed, as soon as may be, to provide a discreet and suitable preacher of religion and morality, for the term of six months, and instruct him to repair to those infant plantations in the said county of *Lincoln*, and for such a time to furnish each during the said term of six months, with religious instruction, as they may judge most conducive to answer the beneficial purposes intended by this resolve: And that so much of the taxes on the said plantations, as by the late tax of the General Court are laid on them, be appropriated for defraying the expence of the said mission, the same to be adjusted at the next sitting of the General Court.

CXXIX.

Grants to the Secretary, Treasurer, and Commissary-General. July 8, 1786.

The Committee of both Houses, appointed to consider what allowances are proper to be made to the Secretary, Treasurer, and Commissary-General, for their respective services the current year, commencing the first of *June* current, and ending the first of *June*, 1787, have attended the service, and beg leave to report the following sums.

For the Secretary, *Two hundred and fifty-pounds* including fees of office,
Treasurer, *three hundred and fifty pounds*,
Commissary, *one hundred and fifty pounds*.

WILLIAM PHILLIPS, per Order:

Read and accepted.

CXXX.

Resolve on the petition of the non-resident proprietors of six townships; on the petition of *Enoch Bartlett* and others, declaring a resolve passed *March* 17th, 1785, null and void, and confirming No. 1, 2, 4, 5, 6, townships, conditionally granted to *David Marsh* and others, *March* 2d, 1762, on certain conditions. July 8, 1786.

The Committee of both Houses, on the petition of the non-resident proprietors of the following townships, conditionally granted *March* 2d, 1762, to *David Marsh* and others, viz. No. 1, 2, 4, 5, and 6, and the resident proprietors and settlers of some of the said townships, viz. No. 1, 4, 5, and 6, representing

representing that a compliance with the resolve of *March* 17th, 1785, on the petition of *Enoch Bartlett* and others, will be attended with great embarrassments, difficulties and hardships to them respectively, have heard the parties and maturely considered their petitions.

Your Committee taking into view the state and condition of those settlements, the peculiar situation of the several parties, and some circumstances which were not probably known at the time of passing the said resolve, conceive it extremely difficult, if not altogether impracticable, to settle the said townships conformably to the said resolve, without great injury, inconvenience and discontent; and inasmuch as neither of the parties have complied with, or fulfilled the terms and conditions expressed in the said resolve:

Your Committee apprehend that the said townships are not in any wise confirmed unto the said *David Marsh* and others, and that it is expedient, that the said resolve of 17th of *March* 1785, should be considered as null and void; and that confirmation of the said townships be made on the terms and conditions contained in the following resolves. All which is submitted.

ISRAEL NICHOLS, per Order.

Commonwealth of *Massachusetts*.

Whereas a resolve on the petition of *Enoch Bartlett* and others, confirming a grant of five townships lying between *Penobscot-River* and *Union-River*, on certain conditions, passed *March* 17th, 1785; and it appearing from the proprietors of and settlers on the said townships, that the said resolve has been ineffectual for the purposes for which it was intended, and inasmuch as the said conditions have not been fulfilled: Therefore,

Resolved, That the aforesaid resolve of 17th of *March*, 1785, be, and it is hereby declared null and void.

Resolved, That the townships No. 1, 2, 4, 5, and 6, conditionally granted to *David Marsh* and others, *March* 2d, 1762, be, and they are hereby confirmed on the conditions contained in the following articles.

1st, That the proprietors heretofore known as proprietors of the said townships, or as holding under *David Marsh* and others, do allot and meet out one hundred acres of land unto each settler in any of the said townships, who before the first day of *January*, 1784, settled thereon and made separate improvement; the same to be laid out in one lot in such manner as to include his improvements.

2d, That in like manner there be allotted and metted out unto each proprietor, his heirs or assigns, who before the first day *January*, 1784, settled thereon and made a separate improvement, one hundred acres of land as a settler and one hundred acres more in addition thereto, the same to be laid out in such manner as to include his improvements.

3d, That in each township there be allotted, reserved and appropriated four lots of land of three hundred acres each, in situation and quality equal in general to the lots in the division, for the following purposes, *viz.* one lot for the first settled Minister, his heirs and assigns, one for the use of the ministry, one to and for the future appropriation of government, and one for the use of a school, forever.

4thly. That in each township, after the allotments to the settlers, resident proprietors, and for public uses, are made as aforementioned, the residue and remainder of the said lands shall be divided to and amongst the proprietors heretofore known as the proprietors of such townships, or as holding under *David Marjsh* and others, to whom the said townships were conditionally granted, their heirs or assigns, in proportion to the respective shares or rights held in the original division of such town.

5thly. That each settler mentioned in article first, pay within six months to the Treasurer of the propriety of the township to which he belongs, *thirty shillings*, to be appropriated to defray the expence of surveying and dividing the said township, and laying out, clearing and repairing of roads.

6thly. That the division and allotments in each of the said townships, be made conformable to the foregoing articles, within the space of eight months from the passing of this resolve, and a return thereof be made on or before the expiration of the said term of time, to the Committee on the subject of unappropriated lands in the county of *Lincoln*, specifying and describing therein the lots, number of each, names of the persons to whom allotted, and those for public uses, under their particular heads.

7thly. If no return be made to the said Committee as required in the preceding article, the said Committee shall appoint, and they are hereby accordingly empowered to appoint three disinterested persons as Commissioners to repair to such townships as shall have neglected to make the division and return required, and allot and divide the same conformably to the articles 1, 2 & 3; and make return thereof to the said Committee conformable to the 6th article; and the said Commissioners shall, six weeks at least before they proceed on the said business, give public notice in *Adams and Nourse's Independent Chronicle*, the *Falmouth* news-paper, and by a written notification posted up in some convenient place in each of the delinquent townships, of their appointment and of the time when they shall proceed on the said business, that all persons interested therein may be apprised thereof; and the lots the said Commissioners shall lay out to the resident proprietors and settlers as provided for in article 1 and 2, shall be confirmed unto them, and the remaining lots shall be subject to the order and disposal of the General Court. And the expence arising from the said appointment of Commissioners shall be defrayed by the resident proprietors and settlers of the delinquent townships, provided they have prevented or obstructed the division as provided for in article 2, 3 & 4, otherwise so much of the remainder of the lands (after allotments and divisions made to the resident proprietors, settlers, and for public uses as aforesaid) shall be sold by the said Committee, as shall be sufficient to defray the said expence.

8thly. That notwithstanding the conditions and regulations contained in the foregoing articles, if the proprietors and settlers of any of the said townships shall agree among themselves, and settle all matters in dispute relating to the quantities of land respectively to be held and retained by them, and such other matters and things as immediately respect the settlement of the said

said lands, and make a report of the same to the said Committee, within six months from the passing this resolve, with the names of the settlers and proprietors, resident and non-resident, the quantity of land allotted to each, and the rights reserved for public uses conformably to article 3d, in such case the said Committee shall have full authority to confirm such townships.

But in case no report shall be made as aforesaid to the said Committee, nor return as in the 6th article is required, the said Committee shall appoint Commissioners as provided for in the said 7th article, eight months having been expired as therein mentioned, who shall proceed on their business as pointed out in the said last mentioned article.

9thly. It shall be understood, notwithstanding any thing contained in the foregoing articles, that the final confirmation of any of the said townships shall not be made until there be in each of the said townships sixty dwelling-houses, not less than eighteen feet square and seven feet stud, sixty protestant families, and also five acres of land cleared on each share fit for mowing and tillage, also a meeting-house for the public worship of God, and until each of the said townships shall have settled a learned and protestant Minister, for which purpose five years shall be allowed from the passing of this resolve.

CXXXI.

Order directing the Secretary to publish additional excise laws. July 8, 1786.

Ordered, That the Secretary, be, and he is hereby directed to cause the act reviving and continuing the act laying duties of impost and excise, to be immediately published in *Adams and Nourse's*, the *Springfield, Plymouth, Worcester, Newbury-Port* and *Falmouth* news-papers, three weeks successively.

R E S O L V E S
 OF THE
G E N E R A L C O U R T
 OF THE
C O M M O N W E A L T H
 O F
M A S S A C H U S E T T S :

Together with the **SPEECH** and **MESSAGES** of his
 Excellency the Governour to the said Court :

Begun and held at *Boston*, in the County of *Suffolk*, on
 Wednesday the 3^d Day of *May*, *Anno Domini*, 1786 ;
 and from thence continued by Prorogation, to Wednesday
 the twenty seventh Day of *September* following.

T H U R S D A Y, *September 28*, 1786.

Pursuant to the Governour's Proclamation of the 13th ult. a number of the
 Members of both Branches of the Legislature met at the State-House in
 this Town yesterday ; but there not being a Quorum of the Senate,
 they adjourned to this Day. The Governour, being then duly in-
 formed of the Court's readiness to proceed to business, at twelve o'clock,
 met the two Branches in the Chamber of the Representatives, when
 his Excellency thus addressed them :

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

HAVING received a Letter from Mr. Secretary *Thompson*, enclosing
 the Requisition of Congress of the second of *August*, and other Acts
 of that Honourable Body, I laid it, with those Acts, before the Council.
 After

After due deliberation, they thought it advisable, the General Court should be convened earlier than the day to which they were adjourned; in order to consider the subject of that requisition: and the Court's meeting was to have been at a time less inconvenient, than the present, for the Members to attend. It has been judged expedient, however, to call the Court together on a still earlier day; and accordingly you now stand convened, Gentlemen, by Proclamation, in consequence of the unanimous advice of the Council.

The occasion of it, as mentioned in the Proclamation, are the tumults and disorders, which have lately taken place in several counties within this Commonwealth, and the consequent obstructing of the Courts of Common Pleas, and General Sessions of the Peace, in those counties.—The particular facts will be communicated to you by official letters from each of the counties, excepting *Hampshire*; from which no such letter has been yet received. The High Sheriff of it, however, has given me a verbal account of them, as relative to that county.

In this business, Gentlemen, I will give you a short sketch of the transactions of the Governour and Council, and of the Governour and another advising Body, specially called for the purpose; and then make a few observations, that may appear to result from the commotions, which have happened.

It is however, to be previously observed, that in all cases, where the detriment or annoyance of the Commonwealth is attempted or enterprized, the Governour, ex officio, by the Constitution is authorized; and it is thereby made his duty, to call forth the inhabitants in martial array; and by force of arms to resist, and repel, all and every such person or persons, as shall at any time, in a hostile manner, attempt or enterprize such detriment or annoyance.

In consequence of that authority, and with the advice of the Council, orders were issued to the Major-General of each of those counties, viz. *Worcester*, *Berkshire*, *Middlesex* and *Bristol*, to hold in readiness such a number of the Militia as the Sheriff, upon a previous consultation with him, should judge needful: who, as a part of the posse comitatus, were to march at the call of the Sheriff, to assist him in the discharge of his duty: a letter of instructions having been sent to each of them on the subject. At the same time, a Proclamation, occasioned by the stopping the Court of Common Pleas in the County of *Hampshire*, was issued by the like advice; requiring all officers, civil and military, and most earnestly calling upon the good people of the Commonwealth, for their aid and exertions, to prevent and suppress all such violent and treasonable proceedings. And the Attorney-General was directed to prosecute, and bring to condign punishment, the Ringleaders and Abettors of such atrocious violations of law and government.

Those orders, together with the Proclamation, it was hoped, would have prevented such lawless proceedings in the county of *Worcester*: but, unhappily, they did not.—An account of those proceedings being transmitted to me, in the recess of the Council, by the

Honourable

Honourable *Artemas Ward*, Esq; the first Justice of the Court of Common Pleas for that county, I communicated it to a number of Gentlemen of public character whom I convened for that purpose, viz. such of the Council as were in *Boston*, the Senators and Representatives of that town, the Judges of the Supreme Judicial Court, and the Attorney-General: to whom I also communicated the transactions of the Governour and Council, in consequence of the proceedings in the county of *Hampshire*.—I then requested their advice, what further measures were necessary to be taken, in support of the Judicial Courts, that were the following week to sit in three of those counties. Their votes, upon the occasion, will shew their opinion and advice: to which the measures, that were pursued, were conformable.—To those votes, to the proceedings of the Council, and to the several letters and papers, that relate to the transactions of the Insurgents in the several counties, you will please to be referred for fuller information.

What led to the unwarrantable and lawless proceedings of those Insurgents will be a necessary subject of serious inquiry. The investigating the true causes of those proceedings may point out the proper remedy of them in future. But whatever may be the causes, it is impossible they should amount to a sufficient and justifiable reason for them. Every complaint, or grievance, that can be offered, as a reason to palliate them, is, from the nature of the Constitution, redressible by the General Court, the only Body, within whose department it is, to redress public grievances. The application, therefore, to all other bodies, and all other modes of redress, are anti-constitutional, and of very dangerous tendency, even when attempted in a peaceable manner: but much more so, when attempted by acts of violence, for preventing the execution of the laws, and the due administration of justice.

These observations are strictly just, where there is a constitutional mode for the redress of grievances: and especially where those in Government, who have the power to redress, annually depend on the people for political existence.

If at present, or in any future time, there should be any real grievances subsisting, they ought to be, and there is a moral certainty they will be, redressed: for no tax or burthen, of any kind, can be laid upon the people, that does not equally affect, the persons who lay them; and if, through inadvertence, mistake, or any other cause, their acts are productive of any grievous or unsalutary effect, they themselves must feel it; and therefore will be prompted, not only from a principle of duty to their constituents, but from their own feelings, to repeal or alter the obnoxious act.

Hence appears the excellency of our constitution of Government, which, in this way, so effectually secures the people of the Commonwealth from every species of oppression and grievance.—To an inattention to this capital and essential circumstance, it must be owing, that so many of the good people of those counties have been unhappily and incautiously induced to support, or not oppose, the destructive measures, which artful and wicked men have, for some time past, been pursuing; and which, with indefatigable industry,

industry, they are still pursuing. Some of the fruits of those measures have already appeared, by their obstructing the Courts of Justice in several counties; by their liberating the prisoners from the goal of one of them; and by their endeavouring to destroy all confidence in Government; and *that* security to life, liberty and property, which results, and can result, only from the firm union of the whole; and from the application, if necessary, of the strength of the whole to the protection and preservation of any of its parts; and for the obtaining of which, this people have expended so much of their wealth, and, what is more valuable, so much of their blood.

If *that* security, confirmed by the Constitution, and which is the great object of it, was worth obtaining at so much expence, it must be worth preserving: but the preservation of it must depend on the people themselves.

If in any county, upon any emergency—such an one as hath lately happened, relative to the Courts of Justice—the Militia, considered as the posse comitatus, are, in a constitutional way, called upon to assist the Sheriff and the Court, in the discharge of their duty, and refuse to appear; or appearing, join the Insurgents, the laws cannot be executed, nor justice administered, in such county, even by recurring to other counties for assistance; for obtaining of which there could not be sufficient time. The good people of such county must in that case be liable to, and be in danger of, all the evils, that may arise from a suspension, or prostration of law and justice.

If this be the unhappy case, in regard to any of the aforementioned counties, is it not adviseable for them to consider, whether it be not the result of their own supineness or inattention? Whether the evils that have arisen, or may arise from such a cause, be not chargeable upon themselves? Whether any adequate and complete remedy can be applied without their own exertion? And whether, in connection with it, the Laws and Constitution do not afford such a remedy?

In fact, if the good people of the Commonwealth, when called upon by the civil authority, and especially by the Supreme Magistrate, would duly exert themselves, the remedy against such evils would be complete; but without such exertion, the best remedial laws, made upon the plan of the Constitution, which has provided no other resource, would be ineffectual; and prove as baseless as the fabrick of a vision. Upon this idea of non-exertion, the provision made by the Constitution is a nullity, so far as it respects the means of securing the public peace, and the due execution of the laws: and the people will deceive themselves, if they expect any benefit from it in that regard, independent of their own exertion.

But jealousy, or something worse, may suggest, that such obedience to the calls of the Supreme Magistrate may involve the Commonwealth in difficulties; and possibly subject it to his arbitrary sway, or even to his caprice.

Jealousy, or rather circumspection, to a certain degree, is a political virtue: but carried to excess, defeats its own views; and may deprive the Commonwealth of every benefit, expected to be derived from such a Magistrate; especially in matters, that concern its internal peace.

If it should so far operate as to destroy the public confidence in him, very little benefit could be expected from his administration, especially in all important cases, where that confidence might be necessary.

Such a confidence in Government is, in my estimation, so necessary to its beneficial operation; and so essential to the happiness of the people, that, in justice to them, I am obliged to declare, that it is the indispensable duty of the people to elect no man for their Governour, in whose rectitude and character they cannot place a firm and entire confidence. And it must be the wish of every elected Governour, guided by honest principles, and possessing a proper independency of spirit, that unless the public suffrage be accompanied with the public confidence, if in fact they can be separated, it might be transferred from himself to some qualified man, who is the object of that confidence.

In regard to the Constitution—ample powers, all of which are necessary for the peace, security and welfare of the Commonwealth, are vested by it in the Governour: but the good effects, that might result from the exercise of the most important of them, must be through the medium of the people.

If, for instance, by virtue of those powers, he should, upon any emergency, call upon the people for their aid, it is by the Constitution made their duty to give it: and their refusing or neglecting to give it, might operate to the great detriment of the Commonwealth, or of the county, from which the aid was demanded: but no real detriment could accrue to either, from the exercise of that power, if he had sufficient discretion to direct it. But admitting, that through indiscretion or mistake, he should make an unnecessary call, which is by no means probable, the ill effects of it would amount only to an inconvenience: the chance of which must be risked rather than hazard the peace and safety of the Commonwealth.

If these observations be just, it is, on the one hand, the duty of the Governour to call upon the People for their aid, when emergencies or the public safety, concerning which he is constituted the Judge, shall require it: and on the other hand, it is the duty of the People, and it may be essential to their own peace and safety, to give the demanded aid.

If these, and other reciprocal duties, be punctually discharged, the Constitution will answer the great and good purposes, for which it was made; and which it is, in that case well calculated to answer.

Whether these duties have been faithfully discharged on the part of the present Governour; it is not for me to determine; but had the good people of some of the counties, above-mentioned, discharged the duty incumbent on them—the duty they owe to themselves, and to the State at large, in reference to the late insurrections—the Constitution and the Laws would not, it is presumed, have been so grossly violated; the dignity of government would not have been insulted; nor that essential part of it, the Hon. the Senate and House of Representatives, now put to the trouble and inconvenience of assembling, at this busy season of the year.

I have thus laid before you, Gentlemen, an important part of the business, for which you are convened: and it cannot be doubted, that you will take the most vigorous measures, effectually to vindicate the insulted dignity of Government; enforce obedience to the laws; and secure the good People of the Commonwealth against all future infractions upon their peace; and in particular, against every outrage upon their Courts of Justice.

Among those measures, as respecting future emergencies, the quickest in operation, and the most effectual, would be, to insure from the people a ready and spirited observance of the calls and orders, of Government: and in such measures—measures vigorous and effectual—you may be assured, Gentlemen, of my hearty concurrence.

A speedy attention to such measures becomes more important, as by letters I have just received from the Major-General, and the High Sheriff, of the county of *Hampshire*, there were great appearances of an intended attempt to obstruct the sitting of the Supreme Judicial Court in that county.

Those letters, dated the 25th instant, at *Springfield*, where that Court was to sit the next day, will, with the other letters and papers, be laid before you by the Secretary.

Another important business, Gentlemen, which requires your speedy attention, is the requisition of Congress for the services of the present year: but this, with other matters, necessary for your consideration, will be communicated by message.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *September 28, 1786.*

II.

MESSAGE from his Excellency the Governour, by the Secretary.
September 29, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

SINCE the recess of the General Court, I have received a letter from Mr. Secretary *Thomson*, of the twelfth of *August*, enclosing sundry acts that had been lately passed by Congress; among them are—a resolve, containing a requisition for the present year; an ordinance for the regulation of Indian affairs; an act, fixing the standard of gold and silver, the weight and value of the money unit; the money account of the United States; and the different species of coins; and an act, again recommending to the States of *North-Carolina*, *South-Carolina*, and *Georgia*, the making to the United States, cessions of their claims to the Western territory, for the use of the United States.

With regard to the first, the resolve requires, that for the services of the present year, 1786, for the payment of the interest, and two instalments of principal on the *French* and *Dutch* loans, that are payable according to the contracts in the beginning of the year, 1787, and for the payment of one year's interest on the domestic debt, there shall be paid into the

the common treasury, on or before the first day of *January* next, *three millions, seven hundred and seventy-seven thousand, and sixty-two dollars, and forty-three ninetieths of a dollar*. Of that sum, the quota assigned to be paid by this Commonwealth, is *three hundred twenty-four thousand, seven hundred and forty-six dollars in specie, and two hundred and forty thousand, three hundred and seventy dollars in indents*.

This requisition, when paid, will be passed to the credit of the States, respectively, on the terms prescribed by the resolve of Congress of the sixth day of *October, 1779*, one of which is, "that the several States be respectively charged with the annual interest of *six per cent.* on all deficiencies in the payment of the several quotas, which have been, or may be required of them."

As *one million, six hundred and six thousand five hundred and sixty dollars*, of the sum called for, is to be applied to the payment of the interest of the domestic debt, the several States are allowed to discharge the same by indents or certificates, for interest on loan-office certificates, and upon other certificates of the liquidated debts of the United States; such interest to be settled, and certified by the Loan Officer, to the last day of the year *1785*.

Provided, That such Loan-Officer, shall not on any pretence whatever, settle or issue any certificate for such interest, until the State, for which he is Continental Loan-Officer, shall have passed an act, providing adequate funds for complying with this requisition.

And for preventing the depreciation of such certificates, the Legislature of each State, is required to provide in the act complying with this requisition, that if on the first day of *July, 1787*, the State's quota of the said certificates so to be issued, shall not be in the hands of the State Treasurer, or other proper officer, the deficiency shall be collected and paid into the Continental treasury in specie; which when so paid, is by the said resolve, appropriated to the redemption of such surplus certificates. And the said resolve further provides, that the State receiving such certificates, and paying the same into the public treasury, with the proportion of *one dollar, and one third in specie, for one dollar in such certificates or indents*, shall have credit therefor: and that such payment shall be considered, as a discharge of the interest on the domestic debt, in the proportion that each State avails itself of the said certificates of interest.

These appear to be the essential parts of the requisition, to which the attention of the General Court is most necessary.

The requisition is made, in virtue of the powers of the Confederation; and is declared by Congress, to be obligatory on the States as such: which is a circumstance, Gentlemen, that requires your particular attention.

In the last preceding requisition, after the most solemn deliberation, and under the fullest conviction, that the public embarrassments were such, as they had represented, Congress thought it their duty, explicitly to declare, that the crisis had arrived, when the people of these United States, by whose will, and for whose benefit the federal government was instituted, must decide, whether they will support their rank as a nation, by maintaining

the public faith at home and abroad? Or whether, for want of timely exertion, and thereby giving strength to their Confederacy, they will hazard, not only the existence of the Union; but of those great and invaluable privileges, for which they have so arduously and so honorably contended?

And to the end, that Congress might remain wholly acquitted from every imputation, of a want of attention to the interest and welfare of those, whom they represent, they further declare, that whilst they are denied the means of satisfying those engagements, which they have constitutionally entered into for the benefit of the nation, they hold it their duty to warn their constituents, that the most fatal evils will inevitably flow from a breach of public faith, pledged by solemn contract, and from a violation of those principles of justice, which are the only solid basis of the honour and prosperity of nations.

Upon this occasion, Gentlemen, I would only observe, that these sentiments of Congress, so important in themselves, and so lately expressed, appear to merit your serious consideration; for which the aforesaid requisition, in connection with those sentiments, is now laid before you.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *September 29, 1786.*

III.

Resolve on the petition of *Benjamin Carter, jun.* empowering Capt. *John Prentice*, to make and execute a good and lawful deed of the land mentioned. *September 29, 1786.*

On the petition of *Benjamin Carter, jun.* setting forth, that he purchased in the month of *January, A. D. 1783*, of his late brother, *Timothy Carter*, late of *Ward*, deceased, a certain piece of land, and paid the full sum for the same, agreeably to contract, but never had a deed of the same, in the life time of the said *Timothy*; and praying that Capt. *John Prentice*, administrator *de bonis non*, of the estate of the deceased, may be empowered to give him a deed of the land mentioned in the petition: Therefore

Resolved, That the said Capt. *John Prentice* be, and hereby is empowered to make and execute, a good and lawful deed of the land mentioned, and described in the petition, to the said *Benjamin Carter, jun.* agreeably to the prayer thereof.

IV.

MESSAGE from his Excellency the Governour, by the Secretary.
October 2, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

By the last post, I received a letter of the 14th of *September*, dated at *Annapolis in Maryland*, from *John Dickinson, Esq;* Chairman of the Commissioners, lately assembled there for the purpose of forming commercial regulations for the United States. It

It was accompanied with a copy of their report to the Legislatures of those States, by whom they were deputed: and it appears by it, they had seperated, without entering upon the business for which they were appointed. The like information, I had some days before received by a letter from the Gentlemen appointed on our part, Commissioners in that business. The reason of the seperation, as given in the report, is, that the express terms of the delegated powers, supposed a deputation from all the States; and having for its object the trade and commerce of the United States, they did not conceive it adviseable to proceed on the business of their mission, under the circumstances of so partial and defective a representation: there being only five States represented.

Deeply impressed however, with the magnitude and importance of the object confided to them, they could not forbear to express their earnest and unanimous wish, that speedy measures may be taken to effect a general meeting of the States, in a future convention for the same, and such other purposes as the situation of public affairs may be found to require.

Under that impression, the Commissioners beg leave to suggest their unanimous conviction, that it may essentially tend to advance the interest of the Union, if the States, by whom they have been respectively delegated, would themselves concur, and use their endeavours to procure the concurrence of the other States in the appointment of Commissioners to meet at *Philadelphia*, on the second Monday in *May* next, to take into consideration the situation of the United States, to devise such further provision, as shall appear to them necessary to render the constitution of the federal government, adequate to the exigencies of the Union; and to report to Congress, such an act for that purpose, as when agreed to by them, and afterwards confirmed by the Legislature of every State, will effectually provide for the same.

The aforesaid letters and report will be laid before you, Gentlemen, for your further information; and for your consideration of the subject matter of them.

A letter from one of our delegates in Congress, the Hon. Mr. *King*, dated *Philadelphia*, the 17th of *September*, relative to the same convention, is herewith also communicated.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *October* 2, 1786.

V.

M E S S A G E, from his Excellency the Governour, by the Secretary.
October 2, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

On the subject of the insurrection in the county of *Hampshire*, for preventing the sitting of the Supreme Judicial Court, the last week, at *Springfield*, I have already communicated to you, letters from the Major-General, and the High Sheriff of that county.

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By

By the post of last Saturday, I received another letter from the Major-General, giving a further account of his proceedings: and yesterday two of the Judges of that Court returned from *Springfield*; who have given me a circumstantial account, under their signature, of the proceedings of the Court; of what passed between the Court and the Insurgents, and between a body of the Militia, and those Insurgents.

To that letter and account, and to the papers accompanying them, you will please, Gentlemen, to be referred for a full and particular information.

Upon this occasion it gives me pleasure to observe, that the Court behaved with great firmness and propriety: and in a manner that dignifies their dignified character. It is equally just to observe also, that the Major-General in particular, the officers in general, and the whole body of militia, that assembled for the protection of the Court, conducted like men impressed with a sacred regard for the Laws and Constitution of their country; and determined at every risque to support them; and their strict discipline and military conduct, intitle them to singular honour: to which the High Sheriff of the county, for his good conduct, is also entitled.

JAMES BOWDOIN.

COUNCIL-CHAMBER, October 2, 1786.

VI.

Resolve on the petition of *Michael Farley*, Esq; intitling him to a new trial on the action mentioned, and authorizing him to sue out of the Clerk's office of the Supreme Judicial Court, a writ of review, fourteen days before the last Tuesday in *October* next, returnable at the Supreme Court, to be holden at *Cambridge*, within the county of *Middlesex*. *October* 3, 1786.

On the petition of *Michael Farley*, Esq.

Whereas the General Court, on the eighth day of *July* last, passed a resolve empowering the said *Michael Farley*, Sheriff of the County of *Essex*, to review an action, wherein *Joseph Barrell* had recovered a judgment against him, at the Supreme Judicial Court, holden at *Boston*, in *February*, 1785, and to bring the same review at the Supreme Judicial Court, next to be holden at *Cambridge*, within and for the county of *Middlesex*, on the fourth Tuesday in *October* next; and whereas it appears that there is no such Court to be holden on said day; and that something further ought to be done, to give the said *Farley* the benefit intended by the same resolve: Therefore

Resolved, That the said *Michael Farley* be, and he hereby is intitled, to a new trial on the action aforesaid, and is fully authorized to sue out of the Clerk's office, of the Supreme Judicial Court, a writ of review in the action aforesaid, fourteen days before the last Tuesday in *October* next, returnable at the Supreme Judicial Court, then to be holden at *Cambridge*, for and within the county of *Middlesex*; and the same proceedings shall be had thereon,

thereon, to final judgment and execution, in the said county of *Middlesex*, as are by the laws of the Commonwealth provided, in case of review in civil causes, where there has been but one verdict in the cause, any law to the contrary notwithstanding; and the execution on the aforesaid judgment is hereby stayed, until the said trial on the same review is had and determined.

VII.

MESSAGE from his Excellency the Governour, by the Secretary.
October 4, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

THE Commissioners appointed by a resolve of the General Court, of the sixth of *July* last, to treat with the *Penobscot* tribe of Indians, respecting their claim to lands on *Penobscot-River*, have with their letter to me, dated at *Penobscot*, the 30th. of *August*, transmitted a report of their proceedings with those Indians.

By the report it appears, that it was agreed by the said Indians on their part, that they would relinquish all their claims and interest to, and in all the lands on the west side of *Penobscot-River*, from the head of the tide, up to the *River-Pasquataquiss*, being about forty-three miles; and all their claims and interest on the east side of the river, from the head of the tide aforesaid, up to the *River-Mantawomkeektook*, being about eighty-five miles, reserving only to themselves, the island on which the old town stands, about ten miles above the head of the tide, and those islands on which they now have actual improvements in the said river, lying from *Sunkhaze-River*, about three miles above the said old town, to *Pas-sadunkee-Island* inclusively, on which island their new town, so called, now stands.

In consideration hereof, the Commissioners, in the name and behalf of the Commonwealth, engaged, that the said Indians should hold and enjoy in fee, the islands reserved as aforesaid, and the fee of two islands in the bay, called and known by the names of *White-Island*, and *Black-Island*, near *Naskeeg-point*. And the Commissioners further agree, that the lands on the west side of the *River-Penobscot*, to the head of all the waters thereof, above the said *River-Pasquataquiss*, and the lands on the east side of the river, to the head of all the waters thereof, above the said *River-Mantawomkeektook*, should lie as hunting ground for the Indians, and should not be laid out or settled by the State, or engrossed by any individuals thereof: and they further agree, to make the Indians a present of three hundred and fifty blankets, and two hundred pounds of powder, with a proportion of shot and flints.

And the Indians on their part further agreed and engaged, that as soon as the agreement should be confirmed on the part of the Commonwealth, and the blankets, powder, shot and flints delivered, that they would sign a relinquishment of all their right and interest to the lands, agreeably to the above contract.

The sketch of the river from the head of the tide to its source, will give an idea of what the Indians have surrendered, and what they retain.—As the Commissioners think it a matter of real importance, that the blankets and other articles should be forwarded, as soon as may be, you will probably think fit, Gentlemen, to make provision for that purpose; and appoint the Chairman, or some one of the Commissioners, to compleat the negotiation, by delivering to those Indians the stipulated articles, upon his receiving in behalf of the Commonwealth, a proper deed of the ceded lands.

At the same time he should be instructed to attend to their complaints, in regard to the fraudulent conduct of a *French* priest among them.

The same Commissioners by another report, and letter of the twelfth of *September*, have in consequence of their instructions, given it as their opinion, that it is a matter interesting to the Commonwealth in general, as well as to the inhabitants settled to the eastward of *Penobscot-River*, that a road should be opened therefrom, eighty feet wide, to the bay of *Passamaquaddy*, near the mouth of *Schooduck-River*: the lines of which road are particularly described. That there is a number of plantations to the eastward of *Penobscot-River*, proper to be incorporated, and whose circumstances require it.—That there is a number also to the westward of *Penobscot*, to whom incorporation would be beneficial; but the Commissioners are restrained from reporting as fully in favour of incorporations on that side of the river, because the limits and extent of several patents and claims are not yet ascertained and agreed on.

That the great remove of the people in the eastern part of the county of *Lincoln*, from the Courts of Justice makes it needful, that two new counties should be formed there: the lines of which are described.—That many marriages having been performed in that county, in a way not agreeable to law; a return of such should be made to the Secretary's office for confirmation by acts of the Legislature.—That for want of the late tax-acts, they have not known in what mode to make assessments of taxes.—That a new edition of the laws, especially for that country, has become highly necessary: and that a proclamation should be issued, relating to, and, forbidding all trespasses on lands there, belonging to the Commonwealth.

These matters, Gentlemen, concerning which, the several reports and letters of the Commissioners will give you fuller information, appear to merit the attention of the General Court.

JAMES BOWDOIN,

COUNCIL-CHAMBER, *October 4, 1786.*

VIII.

MESSAGE from his Excellency the Governour, by the Secretary.
October 5, 1786.

Gentlemen of the Senate, and Gentlemen of the *House of Representatives.*

IN the recess of the General Court, I had a visit from the Chiefs of the *Mobeakonuck*, or *Housatonack* tribe of Indians, who have lately removed
from

from *Stockbridge* to *Oneidas*; after representing their faithful services during the late war, in the cause of *America*, and their having fought and bled in that cause, they expressed a great desire that their children might be instructed in the *English* language; but being destitute of the means of instruction, they requested a few books for that purpose, and such other things as the General Court might think proper to supply them with.

I promised them, that as soon as the Court convened, I would lay before them their representation; and that the determination had thereon, should be communicated to the Hon. *Jabbeel Woodbridge*, Esq; or to the Rev. Mr. *Serjeant* of *Stockbridge*, who would inform them of it.

The papers I received from them, and a copy of the letter sent to them, dated the 31st of *August* last, will be laid before you, by the Secretary.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *October* 5, 1786.

IX.

MESSAGE from his Excellency the Governour, by the Secretary.
October 5, 1786.

Gentlemen of the *Senate*; and Gentlemen of the *House of Representatives*.

WITH a letter from the Board of Treasury of the United States, dated the 25th of *September*, I have received an act of Congress of the 18th of that month, stating that the Legislatures of the States of *Rhode-Island* and *New-Jersey*, have by their acts, made the paper currency of those States receivable on the arrears of taxes due to the United States.

On this statement it is observed, that no such deviation can be admitted from the mode of payment established by the requisitions of Congress; without exposing the funds of the United States to great loss, and without defeating the object of those requisitions; and that if such precedents were admitted, the consequences would be dangerous to the interests of the Union.

Whereupon, Congress *Resolved*, That as the annual requisitions of the United States in Congress assembled, were made by them in virtue of the powers of the Confederation, and for the necessary purposes of government, the same are obligatory on the States as such; and ought to be discharged by them, in the manner by the said requisitions directed, and in no other.

And they further *Resolved*, That as the payment of the interest and such parts of the principal of the foreign debt of the United States, as are included in any of the requisitions of Congress, and the maintenance of the Federal Government, cannot be provided for, but by payments in specie; into the federal treasury, of the sums respectively required of the State therein, no payments, either in bills of credit, or in any other mode than those pointed out by the said requisitions, can or ought to be admitted in discharge of the same, and that the Board of Treasury transmit a copy of the above resolutions to each State, and issue instructions to the respective loan offices, conformable thereto.

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Upon

Upon this occasion, it is observed by the Board of Treasury, and the observation, Gentlemen, you will doubtless think very just, that the reasons which induced Congress to enter into those resolutions, are so evidently dictated by a regard to the great interests of the Confederacy, it cannot be doubted, that the wisdom of the several Legislatures will discern the propriety of acting in strict conformity to them in all their proceedings, relating to the collection of the revenue appropriated for the service of the United States.

JAMES BOWDOIN
COUNCIL-CHAMBER, October 5, 1786.

X.

Resolve on the petition of *Richard Devens*, granting him *two thousand nine hundred pounds*, for finishing the prison at the *Castle*, to furnish oil for the Light-Houses, and rations, fire and cloathing for the garrison and convicts at the *Castle*, for six months. *October 5, 1786.*

On the petition of *Richard Devens*, Esq; Commissary-General for this State, praying for warrants on the State Treasurer, for monies to purchase oil for the several Light-Houses in this State,—provisions, cloathing and wood for the soldiers and convicts at the *Castle*; also to complet the building of a prison on said *Castle-Island* :

Resolved, That there be allowed and paid out of the public treasury, to *Richard Devens*, Esq; Commissary-General, the sum of *two thousand nine hundred pounds*, for the following purposes, said *Devens* to be accountable for the expenditure of the same, viz. *Nine hundred pounds*, towards finishing the prison on *Castle-Island* ; *six hundred pounds* for six months oil for the several Light-Houses in this State ; *fourteen hundred pounds* for rations, fire and cloathing for the garrison and convicts, at the *Castle*, for six months.

XI.

Resolve on the petition of *Israel Whittemore*, empowering the Commissioners to receive and examine the claims of the several creditors, to the estate of *Joseph Gearfield*, to make return to the Judge of Probate for the county of *Middlesex*, of the sum of *nineteen pounds eleven shillings and eight pence*, considering the same as valid in law. *October 6, 1786.*

On the petition of *Israel Whittemore* :

Resolved; That the prayer of the petition be granted, and that *Abner Sanderson* and *Samuel Fisk*, who were appointed Commissioners, to receive and examine the claims of the several creditors; to the estate of *Joseph Gearfield*, late of *Weston*, in the county of *Middlesex*, deceased, be, and they are hereby empowered and directed, to make return to the Judge of Probate; for the said county of *Middlesex*, of the sum of *nineteen pounds eleven*

eleven shillings and eight pence; which sum it appears the said Commissioners had allowed, but through mistake, omitted to enter in their first report; and such return shall be considered as valid in law, as though it had been made within the time limited: and the Judge of Probate for the county of *Middlesex*, is hereby directed to receive the same accordingly; any law to the contrary notwithstanding.

XII.

Resolve granting to the Hon. *Samuel Holten*, Esq; *two hundred pounds*, one of the Delegates of this Commonwealth in Congress, to enable him to proceed to Congress, to be paid out of the money appropriated for the support of government, in the late tax. *October 7, 1786.*

Resolved, That there be paid out of the treasury of this Commonwealth, to the Hon. *Samuel Holten*, Esq; one of the Delegates of this Commonwealth in Congress, the sum of *two hundred pounds*, he to be accountable for the same; and the Treasurer is hereby directed, to pay the aforesaid sum out of the money appropriated for the support of government in the last tax.

XIII.

Resolve requesting the Governour, to apply to Congress, to extend the time for receiving facilities in the requisition of *September 27, 1785.* *October 7, 1786.*

Whereas by a resolve of Congress of the 27th of *September, 1785*, it is provided, that a certain part of the requisition of said date, be accepted from the several States in certificates, to be issued by the Continental Loan-Officers, for interest on the liquidated debt of the United States, if said payments be actually made prior to the first day of *January, 1787*, and in conformity to the conditions, in said resolve prescribed; but otherwise, that silver and gold be only received therefor:

And whereas it appears to this Court, that the Loan-Officer for this Commonwealth, by reason of the multiplicity of business in his office, will not be able to furnish the good citizens thereof, with the certificates they are entitled to, for interest due to them on the federal debt, within the period limited by said resolve, for their being received on part of said requisition:

Therefore *Resolved*, That his Excellency the Governour be, and he hereby is requested to apply to Congress, to grant a prolongation of the time, for which facilities may be received, agreeably to their said resolve of the twenty-seventh of *September, 1785*, that the citizens of this Commonwealth, may have opportunity to procure the same from the Loan-Office in this State, and thereby avail themselves of the benefit, by said resolve intended.

XIV.

MESSAGE from his Excellency the Governour, by the Secretary.
October 6, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

I HAVE lately received a letter from Mr. *Peter Savary*, a French Gentleman, dated at *Alexandria* in *Virginia*, the 12th of *September*, concerning a debt due from this Commonwealth, to Messrs. *Penet, de Casta* and Company, in *France*.

For that debt the Treasurer, pursuant to a resolve of the General Court of the 9th of *October, 1783*, gave five notes to the said *Savary*, as attorney to that company, dated the tenth of that month; four of which notes are now payable, amounting to *nine thousand eight hundred and forty-nine pounds twelve shillings*, and the other for *three thousand two hundred and eighty-three pounds four shillings*, payable the tenth of *October, 1787*, the whole being *thirteen thousand one hundred, and thirty-two pounds sixteen shillings*, lawful money, principal, payable with interest from the date, as appears by the Treasurer's certificates.

On the subject of this debt, I had a letter from *Monsieur Savary*, of the 30th of *July* last, soliciting with great warmth, the payment of it. To that letter I sent him an answer, dated the 14th of *August*, to which the first mentioned letter is a reply.

The several letters and the certificate, will accompany this message: in consequence of which, you will take, Gentlemen, such measures for paying the debt, as you shall think proper.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *October 28, 1786.*

XV.

MESSAGE from his Excellency the Governour, by the Secretary.
October 10, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

I AM informed there is now an opportunity of purchasing at a reasonable rate, several pair of brass field pieces, four pounders, very suitable for our artillery companies, and of which the government is not possessed of a sufficient number, to supply those companies. I would recommend it to your consideration, Gentlemen, whether it would not be proper to empower the Commissary-General, to make a purchase of them for the use of the Commonwealth.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *October 10, 1786.*

Resolve

XVI.

Resolve making a grant to *Nathan Dane*, Esq; one of the Delegates to represent this Commonwealth in Congress. *October 10, 1786.*

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the Hon. *Nathan Dane*, Esq; one of the Delegates to represent this Commonwealth in Congress, the ensuing year, the sum of *two hundred pounds*, out of the money appropriated in the last tax, for the support of Government, he to be accountable for the same.

XVII.

Resolve directing the Commissary-General, to procure blankets, &c for the *Pennsicut* Indians, and granting *two hundred pounds*, for that purpose. *October 10, 1786.*

Resolved, That the Commissary-General be, and he is hereby directed, to procure without delay, three hundred and fifty blankets, two hundred pounds of gun-powder, eight hundred pounds of leaden ball and shot, and fifteen hundred flints; to be delivered to such person as the Governour, with the advice of Council shall appoint, to carry into execution, an agreement made with the tribe of *Pennsicut* Indians, agreeably to an act, passed the General Court this day.

Resolved, That there be allowed and paid, out of the treasury of this Commonwealth, to *Richard Devens*, Esq; Commissary-General, the sum of *two hundred pounds*, to enable him to procure the articles aforesaid, he to be accountable for the same.

XVIII.

Resolve on the petition of *Jesse Johnson*, directing the Treasurer to credit the town of *Chester* for a fine, for not sending a Representative. *October 11, 1786.*

On the petition of *Jesse Johnson*, in behalf of the town of *Chester*, setting forth, that said town was fined in the last State tax, for not sending a Representative, and praying that the same may be abated; for reasons set forth in his petition:

Resolved, That the prayer of the petition be granted; and the Treasurer of this Commonwealth be, and he hereby is directed, to credit the said town of *Chester*, in the last State tax, the sum of *eighteen pounds*, being the fine set on said town.

XIX.

Resolve on the petition of *John Bayley*, directing the Committee for the sale of absentees estates, in *Plymouth* county, to return a consolidated security, for the sum mentioned, on condition. *October 11, 1786.*

E

UPON

Upon the petition of *John Bailey*, Esq;

Resolved, That *Nathan Mitchell*, Esq; *Zebedee Sprout*, and *Joseph Smith*, the Committee for the sale of absentees estates, in the county of *Plymouth*, be, and they hereby are directed, to return to the said *John Bailey*, a consolidated security of this Commonwealth, for the sum of *one hundred and three pounds, eight shillings and six pence*, pledged with them by the said *John Bailey*, in their capacity as aforesaid, on condition that the said *John Bailey*, pay to the said *Mitchell*, *Sprout* and *Smith*, a security or securities of this Commonwealth, to the amount of *thirty-two pounds, and ten shillings*.

XX.

Resolve on the petition of *Solomon Freeman*, Esq; in behalf of himself, *Joseph Nye*, Esq; and Mr. *Nathan Doane*, granting him *six pounds twelve shillings and nine pence*, for services in viewing the harbour of *Cape-Cod*. *October 11, 1786*.

On the petition of *Solomon Freeman*, Esq; in behalf of himself, *Joseph Nye*, Esq; and Mr. *Nathan Doane*, praying for an allowance for their service, in viewing the harbour of *Cape-Cod*, agreeably to an order of the General Court :

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to *Solomon Freeman*, Esq; *six pounds twelve shillings and nine pence*, in full for the aforesaid service of himself, and the said *Nye* and *Doane*.

XXI.

Resolve on the petition of *Micah Leach*, directing the Treasurer to make out notes in lieu of those that have been drawn by forged orders. *October 11, 1786*.

On the petition of *Micah Leach*, setting forth that he served three years in the Continental army, in Col. *Bradford's* regiment, in Capt. *Joshua Eddy's* company, that the notes and wages due to him for his service, were drawn out of the treasury of this Commonwealth, by a person unknown to him, who forged his name at said office :

Resolved, That the prayer of the petition be granted, and that the Treasurer of this Commonwealth be, and he hereby is directed, to make out and deliver to the said *Micah Leach*, notes to the whole amount of the wages due to him, of the same tenor and date, and in the same manner that he would have done, if the said *Leach's* wages had not been drawn by forgery.

XXII.

Resolve on the petition of three of the Justices of the Court of Common Pleas in *Lincoln* county, declaring certain proceedings of Mr. Justice *Lithgow*, valid and sufficient. *October 11, 1786*.

Upon

Upon the petition of three of the Justices of the Court of Common Pleas for the county of *Lincoln*, shewing that at the Court of Common Pleas, by law appointed to have been holden at *Waldoborough*, within and for the county of *Lincoln*, on the second Tuesday of *September* last, several of the Justices were casually prevented attending, for which reason the business of the said Court could not be compleated, although Justice *Lithgow*, and two special Justices did open the same, and permitted the plaintiffs to enter their actions, and such defendants as choose it, to become default, and also did transact some other business of less importance, and then adjourned :

Resolved, That the proceedings above-mentioned, of the said Justice *Lithgow*, and the said special Justices, be, and they hereby are confirmed, and rendered valid and sufficient in all respects, as if such proceedings had been had before three Justices of the said Court of Common Pleas ; and the Clerk of said Court, and all concerned, are hereby empowered and directed, to govern themselves accordingly.

XXIII.

MESSAGE from his Excellency the Governour, by the Secretary.
October 11, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

A LETTER has been lately received from Mr. *William Cleveland*, Collector of Impost and Excise, for the Western district of the county of *Essex*, signifying his resignation of that office, or his non-acceptance of the new appointment.

As it is needful the vacancy should be supplied as soon as may be, you will doubtless think proper, Gentlemen, to proceed to the appointment of a suitable officer for that purpose.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *October 11, 1786.*

XXIV.

MESSAGE from his Excellency the Governour, by the Secretary.
October 11, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

THE deficiency in the representation of the United States in Congress, occasioned their resolution of the 14th of *July* last, transmitted to me by Mr. *Thomson*, with his letter of the 26th of that month.

It respects the claim, which by the Confederation, the whole Union has on its parts for the formation of the sovereignty ; and the duty of the States, seasonably to send forward their Delegates : and it concludes with the declaration, that the State neglecting so to do, becomes responsible to the Union for the delays and evils, which may ensue from such neglect.

Since

Since that resolution, whether influenced by it or not, the States have been much more fully represented than for several months before it, as appears by the state of the representation for the months of *July*, *August* and *September*, exhibited by the Secretary of Congress, with his several letters accompanying this message.

He has also transmitted the continuation of the Journal of Congress, from the first of *June*, to the 20th of *September*; which, Gentlemen, with his letters enclosed with it, will be laid before you.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *October* 11, 1786.

XXV.

MESSAGE from his Excellency the Governour, by the Secretary.
October 12, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

A FEW days ago I received a letter of the 22d of *September*, from the Hon. *John Jay*, Esq; Minister of the United States, for foreign affairs, accompanied with an extract of a letter to him, from the Hon. Mr. *Adams*, the Minister of the United States in *London*, dated the 15th of *July* last.

By that part of Mr. *Adams's* letter respecting the conduct of Captain *Stanbope*, when in *Boston* the last year, in the *British* frigate *Mercury*, it appears, that the Lords of the *British* Admiralty, had called upon Captain *Stanbope*, for a justification of his conduct to Governour *Bowdoin*, and had received from him, a letter intended for that purpose, which their Lordships however thought no apology for it. That their Lordships had accordingly signified to Captain *Stanbope*, their sensible displeasure at his conduct; and as the *Mercury* had been ordered home from the *American* station, their Lordships would take special care, that he should be no longer continued in that service.

By the same letter, it also appears, that the Secretary of State, the Marquis of *Carmarthen*, had informed Mr. *Adams*, that he would speak to Lord *Sidney*, concerning the affair of the eastern line, in order that Sir *Guy Carleton*, might have instructions concerning it, before he went out for his government of *Canada*.

What the nature of those instructions will be, does not appear to have been mentioned to Mr. *Adams*. But it is observed by Mr. *Jay*, that as it is the interest of neighbours, to have all questions of boundary amicably and finally settled, there is reason to hope they will be such as may promote that desirable end.

With respect to the affair of Captain *Stanbope*, a message was sent the seventh of *February* last, to the General Court, concerning it. In consequence of the message, a Committee was appointed to frame and report a bill for settling the mode of process against delinquents, in cases wherein the government of the Commonwealth should be insulted, and for providing an adequate redress; but nothing was completed upon the subject.

Permit

Permit me, Gentlemen, to refer you to that message, and the papers which accompanied it; and to repeat the observation, that unless some special provision be made in such cases, it may be expected that the same man, or others of a like disposition, will be encouraged to insult the executive government of the Commonwealth: the honour of which is so intimately connected with that of the Legislative, that in cases like the present, they are inseparable.

JAMES BOWDOIN.

COUNCIL-CHAMBER, October 12, 1786.

XXVI.

Resolve on the petition of the Selectmen of the town of *Boston*, directing the Treasurer to credit the said town for the fine of *five hundred and ninety-two pounds, eighteen shillings and nine pence*, for the deficiency of eight men. *October 12, 1786.*

Whereas the town of *Boston*, is fined in the sum of *five hundred and ninety-two pounds, eighteen shillings and nine pence*, for a deficiency of eight men, out of eighty-five, apportioned on the said town, agreeably to a resolve of *March* the seventh, 1782:—And whereas it appears to this Court, that the said town of *Boston*, did furnish eight men more than their quota, apportioned by a resolve of *December* the second, 1780, which eight men were by desire of General *Lincoln*, and with the approbation of General *Washington*, enlisted on board the Continental frigate *Alliance*, commanded by *John Barry*, Esq; then bound to *France*, on important business; with assurances that an allowance of eight men should be made to the said town on the next requisition for men:

Resolved, That the Treasurer of this Commonwealth be, and he hereby is authorized and directed, to credit the town of *Boston*, the said fine of *five hundred ninety-two pounds, eighteen shillings and nine pence*.

XXVII.

Resolve on the petition of *Seth Washburn*, Esq; in behalf of himself, *John Fessenden* and *Samuel Curtis*, Esq's. granting *three pounds twelve shillings* for their services. *October 12, 1786.*

On the petition of *Seth Washburn*, Esq; in behalf of himself, *John Fessenden* and *Samuel Curtis*, Esq's. a Committee appointed by the General Court, to repair to the town of *Dudley*, and enquire into certain concerns of the Indians in that town, praying for allowance for said service:

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to *Seth Washburn*, Esq; *three pounds twelve shillings*, for himself, *John Fessenden* and *Samuel Curtis*, Esq's. in full for their service as aforesaid.

XXVIII.

M E S S A G E from his Excellency the Governour, by the Secretary.
October 13, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

THIS serves to introduce to you, a letter from the Honourable *Nathaniel Gorham*, Esq; dated the ninth instant, at *New-York*.

You will observe by it, Gentlemen, that he accepts your appointment of him, as a Delegate in Congress for the coming year; and that he will endeavour to serve the Commonwealth, according to the best of his ability.

J A M E S B O W D O I N.

COUNCIL-CHAMBER, October 13, 1786.

XXIX.

M E S S A G E from his Excellency the Governour, by the Secretary.
October 13, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

IN the afternoon of yesterday I received a letter from Col. *Exra Badlam*; giving information, that on the night of the tenth instant, a number of persons, with five teams, attempted to take away the cannon in the forts, on the heights of *Dorchester-Neck*; that one *Joel Eaton*, from *Taunton*, was the Conductor of those teams; and that Doctor *Holden*, Captain *Thomas Williams*, and Lieut. *Aaron Bird*, detected them in the fact, and prevented the completion of their felonious design.

This high handed offence, by which it was intended to rob the Commonwealth of the means of its safety and defence, merits, Gentlemen, your immediate attention.

J A M E S B O W D O I N.

COUNCIL-CHAMBER, October 13, 1786.

XXX.

Resolve on the petition of *William Hunt*, Esq; authorizing the Judges of the Supreme Judicial Court, on complaint made to them, to take cognizance of the action referred to, and grant affirmation of the former judgment. October 13, 1786.

On the petition of *William Hunt*, Esq; setting forth, that by mistake he omitted entering a complaint against one *James Freeland*, at the Supreme Judicial Court holden at *Worcester*, in *September* last, and praying for liberty to enter said complaint, at the Supreme Judicial Court, to be held at *Cambridge*, on the last Tuesday of *October* instant:

Resolved,

Resolved, That the prayer of the said petition be granted, and that the Judges of the Supreme Judicial Court, at a Court, to be by them holden at *Worcester*, within, and for the county of *Worcester*, on the third Tuesday of *April* next, be, and hereby are authorized and empowered, on complaint to them made by the said *William Hunt*, in the action above referred to, to take cognizance of the same, and grant affirmation of the former judgment, in the same manner, as by law they might have done, had said complaint been entered at the said Supreme Judicial Court held at *Worcester*, on said third Tuesday of *September* last, any law to the contrary notwithstanding.

XXXI.

Resolve on the petition of *Jeremiah Hill*, Esq; in behalf of the town of *Biddeford*, empowering the Selectmen, to make their warrant in manner and form, as by law directed, and making the same effectual. *October* 13, 1786.

On the petition of *Jeremiah Hill*, Esq; in behalf of the town of *Biddeford*, shewing that no warrant was given to *Shadrack Witherbe*, Constable for said town, to collect the town tax in the aforesaid town, for the year one thousand seven hundred and eighty-one; and praying that the Selectmen of the said town, for the time being, may be authorized and empowered to make their warrant to said Constable of said *Biddeford*, for the aforesaid purpose:

Resolved, That the Selectmen of *Biddeford*, for the time being, be, and they are hereby empowered and directed, to make their warrant in manner, and form as by law is directed (*mutatis mutandis*) to the Constable aforesaid, and to deliver the same to the Constable aforesaid; and the warrant aforesaid, made and delivered as aforesaid, shall be as good and effectual in law, for all future collections, as if the same had been made and delivered to the said Constable with the lists or assessments of the aforesaid tax.

XXXII.

Resolve on the petition of *John Hinds* and *Jabez Weston*. *October* 17, 1786.

On the petition of *John Hinds* and *Jabez Weston*, prisoners, who have been confined several months in the goal in *Northampton*, for the costs of the prosecutions against them, setting forth that they are wholly unable to pay the said costs, and praying that they may be discharged:

Resolved, That the Sheriff of the county of *Hampshire* be, and he hereby is authorized and directed, to permit the said prisoners, to go at large from the said goal.

XXXIII.

Resolve on the petition of *Esther Wamson*, an Indian woman. *October* 18, 1786. On

On the petition of *Esber Wamson*, an Indian woman of the *Natick* tribe, praying for liberty to sell a certain piece of land, mentioned in her petition, and for reasons therein set forth :

Resolved, That the prayer of the petition be granted, and that she have leave to sell the same, for the most it will fetch, and to make and execute a good and lawful deed to the purchaser ; and that the money arising therefrom, be appropriated for the purchase of other lands, where it will be more convenient for the petitioner : And it is further

Resolved, That this business be under the care and direction of Captain *Joseph Twitchell*, the only surviving guardian of said Indian tribe.

XXXIV.

Resolve on the petition of *Joseph Chadbourne*. October 18, 1786.

On the petition of *Joseph Chadbourne*, Collector for the plantation of *Little-Falls*, in the county of *York*, praying for an abatement of two certain taxes, committed to him to collect, assessed on the unimproved lands of Lady *Mary Pepperrell* and *William Pepperrell*, in the year of our Lord, 1781 :

Resolved, That the prayer of the petition be granted, and that the sum of *fourteen pounds nineteen shillings, and seven pence*, assessed to Lady *Mary Pepperrell*, and the other sum of *eleven pounds twelve shillings, and ten pence*, assessed to *William Pepperrell*, both in the year of our Lord, 1781, be abated, and that the Treasurer of this Commonwealth, discharge said Collector to the amount of the sums aforesaid, and that execution which has been issued against said Collector, be so far satisfied, and that the Sheriff govern himself accordingly.

XXXV.

Resolve granting *one hundred and fifty pounds*, to the Commissary-General, in addition to what has been granted to purchase blankets, &c. for the *Penobscot* Indians. October 18, 1786.

On the petition of *Richard Devens*, Esq; Commissary-General, representing that the sum of *two hundred pounds*, granted him the tenth instant, to procure blankets, &c. for the *Penobscot* tribe of Indians, is inadequate for the purpose :

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to *Richard Devens*, Esq; the further sum of *one hundred and fifty pounds*, to enable him to procure blankets, &c. for the *Penobscot* Indians, agreeably to a resolve of the General Court, passed the tenth instant, he to be accountable for the same.

XXXVI.

Resolve empowering the Governour, to draw his warrant for *forty pounds*, to defray the charge of executing the agreement with the *Penobscot* Indians. October 18, 1786.

Whereas

Whereas by an act passed the eleventh instant, the Governour, with the advice of Council, was empowered to appoint some suitable person to repair to *Penobscot*, with the blankets and other articles for the *Penobscot* tribe of Indians, and carry into execution the agreement made with said Indians, and receive a deed of relinquishment from them :

Resolved, That the Governour, with the advice of Council be, and he is hereby authorized, to grant a warrant on the Treasurer, in favour of the person appointed as aforesaid, for a sum sufficient for said purpose, not exceeding the sum of forty pounds.

XXXVII.

Resolve on the petition of *William Drake*. October 18, 1786.

On the petition of *William Drake*, praying that he may be authorized to enter an appeal against *Isaac Wendall*, at the Supreme Judicial Court, next to be holden at *Boston*, within and for the county of *Suffolk* :

Resolved, That *William Drake*, notify the said *Isaac Wendall*, by serving him with an attested copy of his petition, and this order thereon, at least fourteen days before the second Wednesday of the next sitting of the General Court, to shew cause (if any he have) on the said day, why the prayer of the said petition should not be granted, and that the execution be stayed in the mean time.

XXXVIII.

Resolve on the petition of *Samuel Bradford* and others, officers of the company of *Cadets*, in *Boston*, determining their rank, and intitling the said company to an Adjutant, with the rank of Captain. October 18, 1786.

On the petition of *Samuel Bradford* and others :

Resolved, That the Governour be, and he hereby is authorized and empowered, to commissionate the officers of the *Independent* company of *Cadets* in *Boston*, with the following rank, viz. The Captain with the rank of Lieutenant-Colonel, and the Lieutenant and Ensign, each with the rank of Major.

Resolved, That the said company of *Cadets* be, and hereby are intitled to an Adjutant, and that the Governour be, and he hereby is authorized and empowered to commissionate the said Adjutant with the rank of Captain.

XXXIX.

Resolve on the petition of *Levi Thayer*. October 19, 1786.

On the petition of *Levi Thayer*, praying that a new trial may be granted him, in two actions instituted by *John Taylor*, and judgment rendered thereon, in favour of the said *John*, by the Court of Common Pleas, for the county of *Worcester*, agreeable to the certificate of the Clerk of said Court hereto annexed :

G

Resolved,

Resolved, That the prayer of the said *Thayer's* petition be granted, and that the said judgments be, and hereby are rendered and declared to be null and void; and that said *Taylor*, may (if he see cause) enter the said actions a-new in the said Court of Common Pleas, and the same proceedings shall be had thereon, as if no judgment had been rendered on the said actions: *Provided* such entry be made at the next session of said Court of Common Pleas.

And it is further *Resolved*, That any lands or estate attached upon either of said actions, shall be held to satisfy the judgments, which the said *Taylor*, may finally recover against said *Thayer*.

XL.

Resolve on the petition of *Isaac Fox*. *October* 19, 1786.

On the petition of *Isaac Fox*, praying for liberty to re-enter, at the next Court of Common Pleas, in the county of *Middlesex*, an action brought against him by *Jonatban Simpson*, for reasons mentioned in said petition:

Resolved, That the prayer of the said petition be so far granted, that the petitioner notify the attorney of the said *Jonatban Simpson*, by serving him with an attested copy of his petition, with this order of Court thereon, fourteen days at least, before the second Wednesday of the next sitting of the General Court, that he shew cause (if any he has) on said day, why the prayer of the said petition should not be granted, and that execution be stayed in the mean time.

XLI.

Resolve on the Message of his Excellency the Governour, granting *twenty pounds*, for the use of the *Housatonuck* Indians, to be disposed of by the Governour, with advice of Council. *October* 19, 1786.

On the representation of the *Mobeakonuck*, or *Housatonuck* Indians, expressing their past attachment to this Commonwealth, their faithful services during the late war, and the indigent state and circumstances to which they are now reduced, and requesting some necessaries for their support, and a supply of books, for the instruction of their children:

Resolved, That there be allowed, and paid out of the public treasury, the sum of *twenty pounds*, for the use of the said *Mobeakonuck* or *Housatonuck* Indians, to be laid out in books, under the direction of the Governour, with advice of Council; the said books to be committed to the care and distribution of such person or persons, as shall be appointed by the Governour, with advice of Council, for that purpose.

XLII.

Resolve on the petition of *Adam Porter*. *October* 19, 1786.

On the petition of *Adam Porter*, of *Cumington*, praying that a deed of certain land, made to the said *Adam*, October the twenty-second, 1771, by *Timothy Mower*, deceased, may be authenticated by the oath of witnesses to the hand writing of the said *Timothy*, the subscribing witnesses to the said deed being dead :

Resolved, That the Justices of the Court of Common Pleas, for the county of *Hampshire*, be, and hereby are authorized to hear, and examine the witnesses to the hand writing of the said *Timothy*, and if upon such examination, the said Justices are convinced of the authenticity of the same deed, they are hereby authorized and directed, to certify the same thereon, which proceedings shall have the same effect, as if the subscribing witnesses were present, and had testified the same, in the manner prescribed by law.

XLIII.

Resolve of the petition of *John Asbley*, in behalf of the town of *Sheffield*.
October 19, 1786.

On the petition of *John Asbley*, jun. Esq; in behalf of the town of *Sheffield*, setting forth, that some time since the Treasurer issued his execution against the said town of *Sheffield*, for deficiencies of beef, required of the said town, by a resolve of the General Court, of the 4th of *December*, 1780, and since the issuing of the said execution, the said town have found a receipt from the Agent, for receiving of beef in favour of the said town, to the amount of three thousand, eight hundred and forty-eight weight of beef; and a receipt for the above-mentioned quantity of beef, signed by *William Bacon*, and bearing date the tenth of *July* 1781, being produced :

Therefore *Resolved*, That the Treasurer be, and he hereby is directed, to credit the said town of *Sheffield*, on the execution issued by him against the said town, for a deficiency of beef, as set forth in said petition, the sum of *sixty-four pounds* in specie, the said sum being equal to the aforesaid three thousand eight hundred and forty weight of beef.

XLIV.

Resolve on the petition of *Martin Brimmer*. October 20, 1786.

On the petition of *Martin Brimmer*, in behalf of himself and others, the principal creditors to the estate of *Peter Oliver*, and *Peter Oliver*, jun. Esq's. praying that Commissioners may be appointed, to re-examine the claims against said estate, for reasons set forth in said petition :

Resolved, That the Judge of Probate of Wills, &c. for the county of *Plymouth*, be, and he is hereby authorized and empowered, on application, to appoint Commissioners to re-examine the several claims to the estates aforesaid, and make report thereof, within such term as the said Judge of Probate shall think necessary, at the expence of said creditors.

Resolve

XLV.

Resolve on the petition of *Israel Atherton*. October 20, 1786.

On the petition of *Israel Atherton*, praying that the Judge of Probate, in, and for the county of *Worcester*, may be authorized to direct the Commissioners on the estate of *Peter Atherton*, again to sit, and examine certain claims against the said estate :

Resolved, That the Judge of Probate, in and for the county of *Worcester*, be, and hereby is authorized and empowered, to cause the Commissioners aforesaid, again to sit, examine and allow such just claims against the estate of the said *Peter*, as may be exhibited by said *Israel Atherton*, the said commission of the said Commissioners having been returned to the said Judge of Probate and closed, notwithstanding.

XLVI.

Resolve granting *forty shillings* to *Abel Packard*. October 20, 1786.

On the petition of *Abel Packard*, setting forth that he made provision for twenty-five *British* prisoners, in October 1777 :

Resolved, That the prayer of the petition be granted, and that there be paid out of the treasury of this Commonwealth, to the said *Abel Packard*, the sum of *forty shillings*, in full of his account, any law or resolve to the contrary notwithstanding.

LXVII.

MESSAGE from his Excellency the Governour, by the Secretary. October 21, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

I HAVE received from *James Aptorp*, Esq; four new maps of the State of *New-Hampshire*, which have been sent to him by *Paul Wentworth*, Esq; of *London*, and which Mr. *Wentworth*, desires may be presented to the Governour,—the Governour and Council, the *Senate*, and the *House of Representatives*, one to each.

Those presented to the Honourable *Senate* and *House*, are now sent to you, Gentlemen, by the hand of the Deputy-Secretary.

JAMES BOWDOIN.

COUNCIL-CHAMBER, October 21, 1786.

XLVIII.

Resolve on the petition of *Ezra Jewell*. October 21, 1786.

On the petition of *Ezra Jewell* of *Amesbury*, in the county of *Essex*, setting forth, that judgment has been recovered against the said *Jewell*, on a certain bond, for the sum of *one hundred pounds*, debt and damage, and *two pounds eleven shillings and ten pence*, costs of suit, at a Court of Common Pleas, holden at *Concord*, within and for the county of *Middlesex*, on the second Tuesday of *March* last, on an action brought against him by *John Hunt*, of *Watertown*, in the said county. And whereas it appears reasonable and just, that there should be a new trial on the aforesaid action, for the reasons set forth in the petition : Therefore

Resolved, That the said *Ezra Jewell*, be, and he is hereby empowered to re-enter the said action, at the Court of Common Pleas, to be holden at *Cambridge*, on the last Tuesday of *November* next, and the said Court are hereby directed, to proceed thereon according to law, in the same manner, as if the said action had been regularly brought, and the writ returnable to the same Court, and had been there entered by the said *John Hunt* ; and that the said *Ezra Jewell*, serve the said *John Hunt*, with an attested copy of this resolve, fourteen days at least, before the holding of the aforesaid Court, and that the judgment aforesaid be vacated, and the execution thereon stayed.

XLIX.

Resolve on the petition of *William White*. *October 21, 1786.*

On the petition of *William White*, setting forth, that on the 17th day of *December*, in the year of our Lord, one thousand seven hundred and eighty-two, the Judge for Probate of Wills, &c. for the county of *Suffolk*, appointed him administrator on the estate of *William White*, late of *Boston*, Esq; deceased, and continued his duty as administrator, for the space of about two years and an half, at which time he was removed from the said trust, by the Supreme Court of Probate, then acting under a special act of the Legislature ; and that the said Judge of Probate, has doubts of his authority to settle the accounts of said administrator : Therefore

Resolved, That the Judge of Probate of Wills, and granting Letters of Administration for the county of *Suffolk*, is hereby authorized and directed, to settle and adjust the accounts of the said *William*, while acting in his said capacity of administrator, as fully to all intents and purposes, as he is by law empowered to settle the accounts of any administrator or administrators whatever.

L.

Order respecting trespasses in the eastern counties, and requesting the Governour to issue a proclamation, &c. *October 21, 1786.*

Whereas it is represented to this Court, that divers persons, since the first of *January, 1784*, have illegally entered upon, and taken possession of some of the unappropriated lands belonging to this Commonwealth, in

the eastern counties, and that others are settling in like manner thereon, presuming upon the indulgence of government, that they shall be quieted in their possessions :

Ordered, That the Governour be, and he is hereby requested, with advice of Council, to issue a Proclamation, forbidding, and cautioning any persons against settling on any of the said lands, or committing any trespass thereon, as they would avoid being dealt with according to law,—and that a number of such proclamations be dispersed into different parts of the said counties.

LI.

MESSAGE to his Excellency the Governour, requesting him to take measures to prevent any opposition, to the sitting of the Supreme Judicial Court at *Taunton*, on Tuesday next. *October 21, 1786.*

Ordered, That *Samuel Adams, Tristram Dalton, Esqrs. Mr. Davis, Mr. Shepard, and Mr. Brooks of Newford*, be a Committee, to wait upon his Excellency the Governour, and acquaint him, that information having been given, that there is a degree of probability, that some attempts may be made, to prevent the sitting of Supreme Judicial Court at *Taunton*, on Tuesday next,—although the Legislature entertain full confidence, that his Excellency will exercise that authority on this occasion, with which the Constitution has vested him, yet they cannot forbear expressing their desire, that he would immediately give the most serious attention to the subject.

LII.

Resolve for making enquiry into the conduct of a Priest, officiating among the *Penobscot* tribe of Indians. *October 21, 1786.*

Whereas the Commissioners appointed by a resolve of the General Court, of the sixth of *July* last, to treat with the *Penobscot* tribe of Indians, respecting their claim to lands on *Penobscot-River*, have in their letter to the Governour, of the twelfth day of *September*, acquainted his Excellency with a complaint, exhibited to them by *Col. Joseph Neptune*, one of the Chiefs in the *Penobscot* tribe, against the Priest officiating in the said tribe; that he, the said *Neptune*, did put into the hands of the said Priest, thirty-seven Beaver-skins, which he engaged to sell for him at *Boston*, and account with him for the proceeds,—That on his return, he was informed by the Priest, that he could not pay for the skins, as the money was taken from him in *Boston*, to pay for some cloathing, he the said Chief had there; which at the time he received it, he supposed was given him by the Commonwealth:—and it being expedient, that due enquiry be made into the said complaint :

Therefore *Resolved*, That the person, who is, or shall be appointed to execute an agreement, made by the Commissioners above referred to, with the said *Penobscot* tribe of Indians, be, and he is hereby empowered and directed,

directed, to summons the said Priest to appear before him, and answer to the complaint of the said Col. *Joseph Neptune*, and to make such enquiry relative thereto, as he may judge necessary, in order to obtain a true statement of facts, and to report the same to the Governour and Council, that proper measures may be taken thereon.

LIII.

Resolve on the petition of *Samuel Tobey*, Esq. *October 21, 1786.*

On the petition of *Samuel Tobey*, Esq; one of the Committee for settling absentees estates in the county of *Bristol*, representing that the said Committee, sold a certain lot of land at public auction, and received certain public securities of this Commonwealth, as a pledge for the payment of a sum of money, which securities became forfeit, by non-payment of the said money, and that by the said delinquency a loss ensued, which must be borne by the said Committee, unless they are allowed to pay said securities into the treasury; and pray the same may be received:

Resolved, That the prayer of said petition be granted, and that the Treasurer of this Commonwealth be, and he hereby is empowered and directed, to receive of said Committee, *sixty pounds* of the securities mentioned in said petition, being a balance remaining in the hands of said Committee, as set forth in said petition.

LIV.

Resolve on the petition of *Mark Lord*. *October 21, 1786.*

On the petition of *Mark Lord*, praying that he may have liberty to appeal his action against *Moses Capps*, from the Court of Common Pleas, held in the county of *York*, to the Supreme Judicial Court, held in said county, for reasons set forth in his petition:

Resolved, That the said *Mark Lord*, notify the said *Moses Capps*, to appear on the second Wednesday of the next sitting the General Court, that he may shew cause, why the prayer of said petition, should not be granted, by serving him with an attested copy of his petition and this order, fourteen days before the next sitting of the General Court, and that execution be stayed in the mean time.

LV.

MESSAGE from his Excellency the Governour, by the Secretary.
October 23, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

IN consequence of your Message delivered to me in the afternoon of last Saturday, respecting an apprehended opposition to the sitting of the Supreme Judicial Court at *Taunton* to-morrow, I convened the Council; to whom

I communicated the said Message, together with such verbal information upon the subject, as the Gentlemen, your Committee, furnished me with.— After a due deliberation, the Council thought it adviseable, that a letter, then written under their direction, should, with a copy of the Message, be immediately forwarded to Major-General *Cobb*, at *Taunton*. Accordingly the letter was sent the same evening by an express, who has returned, with the General's answer, dated yesterday; in which he says, he shall make use of every exertion to support the dignity of government, that the shortness of the time will permit; and that in case of failure, there should be no cause to complain of the want of exertion in the friends of government there.

It is hoped, from the known spirit of that officer, that notwithstanding the shortness of the time, he will be able to collect a sufficient force, under the direction of the High Sheriff, to support the Court.

A copy of the letter, with the answer, is herewith communicated.

Upon this occasion, Gentlemen, it is my duty to remind you, that the Supreme Court, are the next week to sit at *Cambridge*, in the county of *Middlesex*, and that there is now sufficient time for carrying into execution, any measures you shall judge proper to be taken, to insure the due administration of justice in that county; and to vindicate the honour of government.

JAMES BOWDOIN.

COUNCIL-CHAMBER, October 23, 1786.

LVI.

Resolve on the petition of *Thomas Vinson*. October 24, 1786.

On the petition of *Thomas Vinson*, praying that an oath administered by him as Moderator of a meeting of the second parish in *Weymouth*, held *March* the ninth, 1786, for the choice of Parish Officers, &c. to the Clerk then chosen for said parish, and the records made by the said Clerk, may be confirmed and rendered valid in law, although a Justice of the Peace was present at the time of administering said oath:

Resolved, That for reasons set forth in the said petition, the prayer thereof be granted; and the oath administered by the said *Thomas Vinson*, and the parish records made by the Clerk, to whom the same was administered, be, and they are hereby confirmed and made valid in law, so far as they would have been, had the said Clerk been legally sworn, any law or resolve to the contrary notwithstanding.

LVII.

Resolve on the petition of *Thomas Hallet*. October 24, 1786.

On the petition of *Thomas Hallet*, praying that he may be allowed the State's bounty that was due to his son *Ezekiel Hallet*, deceased, who enlisted in the Continental army, in the year 1777, as set forth in his said petition:

Resolved,

Resolved, That the prayer of the petition be granted, and that the Treasurer of this Commonwealth, be, and he is hereby directed, to deliver to the said *Thomas Hallet*, *twenty pounds*, in a specie note, with interest from the first day of *January, 1777*.

LVIII.

Resolve on the Governour's Message, respecting the fitting of the Supreme Judicial Court at *Taunton*, and requesting him to take measures for the fitting of said Court at *Cambridge*, the 31st instant. *October 24, 1786.*

On the Message from his Excellency the Governour, of the 23d of *October, 1786* :

Resolved, That *Samuel Adams, William Phillips and Tristram Dalton, Esq's. Mr. Hill, Mr. Howard, Mr. Dawes, and Mr. Tobey*, be a Committee to wait upon his Excellency the Governour, and thank him for the intelligence he has been pleased to communicate to this Court, respecting the measures he has taken, to support the Supreme Judicial Court, at their session in the county of *Bristol*, and to assure his Excellency, that this Court, in the earliest part of its present session, did bear their faithful testimony against the late outrageous proceedings, in several counties within the Commonwealth, and did express their high satisfaction, in the measures, which his Excellency had taken to suppress the same, and their firm resolution to support the constitutional authority of the Government, and at the same time to enquire into, and redress all real grievances, and did also resolve, that compensation should be made to such officers and soldiers of the militia, as appeared in pursuance of his Excellency's order, for the purpose above-mentioned, and that like compensation should be made for such of the said officers and soldiers, as might hereafter be called forth upon similar occasions ; and that the said Committee further assure his Excellency, that this Court will always, on such, and other occasions, afford the Supreme Executive, all that aid, which shall be incumbent on them, in their own department, fully considering, that his Excellency will still persevere in the exercise of such powers, as are vested in him by our excellent constitution, for enforcing due obedience to the authority and laws of government, and for preventing any attempts to interrupt the administration of law and justice for the future, upon which the peace and safety of the Commonwealth, in the opinion of this Court, immediately depend : and that they acquaint his Excellency, that it is the earnest desire of this Court, that immediate measures may be taken, for the support of the Supreme Judicial Court, to be holden by law within the county of *Middlesex*, the ensuing week.

LIX.

Resolve granting *twenty pounds*, to the Messenger, to provide fuel, &c. *October 25, 1786.*

Resolved, That there be paid out of the treasury of this Commonwealth, the sum of *twenty pounds*, to *Mr. Jacob Kuhn*, Messenger to the General Court, to enable him to discharge some debts already contracted ; and to purchase further fuel and candles, for the General Court, he to be accountable for the same.

LX.

Resolve on the petition of *Samuel Brown* and others: *October* 26, 1786.

On the petition of *Samuel Brown*, Esq; and others, praying that they may have liberty to purchase of the natives, a quantity of lands lying westward of *Hudson's-river*, and within the limits of the north and south lines of this State,—and that this Commonwealth would release their right to the same:

Resolved, That the said *Samuel Brown* and others, named in said petition, be, and they hereby are permitted to purchase of the natives, any land to the contrary notwithstanding, their right and title to the tract of land hereafter described, viz. Bounded southwardly on *Susquehannab-River*, and running as said river runs, from the *River-Owego*, on the west, unto the *River-Chenango* on the east, and bounded by the said *River-Owego* and *Chenango*, running northwardly as said river runs, so far as to complete a tract of land equal to ten townships, of six miles square each; and that the right and title of this Commonwealth, reserving the jurisdiction entire, be, and hereby is released and quit-claimed, unto the said *Samuel Brown*, and his associates, upon this express condition, viz. That the said *Samuel* and his associates, or any of them, do pay, or cause to be paid into the treasury of this Commonwealth, *three thousand three hundred and thirty-three Spanish milled dollars, and one third of a dollar*,—or silver and gold equivalent thereto, within two years from the passing of this resolve, with interest after one year.

Provided nevertheless, That if the Legislature of this Commonwealth, shall at their next sitting, after they shall be ascertained, that the petitioners have made the purchase aforesaid, cause to be paid unto the said *Samuel Brown* and his associates, a sum, equal to such sum or sums of money, as the purchase of said natives may cost them, together with all charges attending the same, then and in such case, that title to the said tract of land, which the said *Samuel* and his associates may have purchased of the natives, shall rest in this Commonwealth.

LXI.

Resolve on the petition of *John Hunt*. *October* 26, 1786.

On the petition of *John Hunt*, of *Boston*, setting forth that a judgment was unduly obtained against him, as administrator on the estate of *Joseph Sberburne*, late of *Boston*, Esq; deceased, at a Court of Common Pleas, holden at *Taunton*, in the county of *Bristol*, on the second Tuesday of *June* last, by *Ferathmel Bowers*, and praying that a new trial may be granted him:

Resolved, For reasons set forth in the said petition, that the prayer thereof be granted, and that *John Hunt*, be, and he is hereby empowered to re-enter the said action, at the Court of Common Pleas, next to be holden at *Taunton*, in the county of *Bristol*, on the third Tuesday of *December* next,
and

and the said Court are hereby authorized and directed, to proceed thereon, according to law, and the rules of the said Court, in the same manner, as if the said action had been regularly continued in the said Court, he the said *Hunt*, serving the said *Bowers* with an attested copy of this resolve, fourteen days at least before the sitting of the said Court, and that the mansion-house set off to the said *Bowers* by virtue of the said judgment, be holden to satisfy the judgment which may be obtained on a new trial.

LXII.

Resolve of the petition of *Justus Fremain*, granting him eight pounds ten shillings, for his wages in the fourth *Massachusetts* regiment. October 26, 1786.

On the petition of *Justus Fremain*, who was a fifer in the fourth *Massachusetts* regiment, in the year 1780 :

Resolved, That the prayer of the petition be granted, and that there be allowed and paid out of the public treasury to the said *Justus Fremain*, the sum of eight pounds ten shillings, in full for his wages, from the first day of *January* 1780, to the twenty-sixth day of *April* following,—the same to be charged to the United States.

LXIII.

M E S S A G E from his Excellency the Governour, by the Secretary. October 27, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

THE post of last evening brought me a letter from Mr. *Thomson*, Secretary of Congress, enclosing an act of that Honourable Body, dated the 20th instant, for augmenting the troops in the service of the Union, to the number of two thousand and forty men, non-commissioned officers and privates: the same being passed by the unanimous vote of the ten States, then represented.

The intelligence, on which the act is grounded, is, that there is a combination of a number of Indian nations, for the purpose of making war upon the United States; that they are labouring to draw in other nations to unite with them in the war; that from the motions of the Indians to the southward, as well as the northward, and the exertions made in different quarters, to stimulate the various nations, there is the strongest reason to believe, that unless the speediest measures are taken, effectually to counteract and defeat their plans, the war will become general; and may be attended with the most dangerous and lasting consequences. That Congress therefore deem it highly necessary, that the troops in the service of the United States, be immediately augmented, not only for the protection and support of the frontiers of the States, but to establish the possession, and facilitate the surveying and selling of the western lands, which have been so much relied on, for the reduction of the debts of the United States.

The

The additional troops, which are to be raised for the term of three years, unless sooner discharged, and which with the troops, now in service, are to be formed into a legionary corps are to consist of thirteen hundred and forty non-commissioned officers and privates.

They are to be raised by several States, in the following proportions, *viz.*

<i>New-Hampshire,</i>	260	} Infantry and Artillery,	1220
<i>Massachusetts,</i>	660		
<i>Rhode-Island,</i>	120		
<i>Connecticut,</i>	180		
<i>Virginia and Maryland,</i>	each 60	Cavalry, making	120
			1340

And those States are requested by Congress, to use their utmost exertions, to raise with all possible expedition, the quota of troops respectively assigned to them.

Agreeably to the said act, the Secretary at War, by his letter of the 21st instant, has informed me, that the proportion of commissioned officers for the men to be raised in this State, will be as follows, *viz.*

Infantry,—One Lieutenant-Colonel, Commandant,
 Three Majors,
 Nine Captains,
 Nine Lieutenants,
 Nine Ensigns,
 One Surgeon,
 Three Surgeons Mates,
 Artillery,—Two Captains,
 Four Lieutenants.

The pay and allowances to the troops to be raised, will be the same as established by the act of Congress, of the 12th of *April, 1785.*

As it is of great importance, that the United States should be prepared against so formidable a combination, you will take such measures, Gentlemen, as the importance of the occasion makes necessary.

JAMES BOWDOIN,

COUNCIL-CHAMBER, *October 27, 1786.*

LXIV.

Resolve directing the Commissary-General to purchase cannon, and granting him such sum or sums, as they may amount to. *October 27, 1786.*

Whereas it is necessary, that the several artillery companies, within this Commonwealth, should be immediately furnished with cannon :

Resolved, That the Commissary-General be, and he is hereby empowered and directed, to purchase for the use of this Commonwealth, four brass cannon,

cannon, each carrying four or six pound shot, if to be bought at the rate of *one shilling* for each pound that they may weigh, at six months credit : and that there be paid out of the treasury of this Commonwealth, to the Commissary-General, for the purpose aforesaid, in six months after such purchase be made, such sum or sums as the said four cannon may amount to, at the rate aforesaid..

LXV.

Resolve on the petition of *Harrison G. Otis*, in behalf of the Light-Infantry forming in *Boston. October 27, 1786.*

On the memorial of *Harrison G. Otis* and others :

Resolved, That it be recommended to the Governour of this Commonwealth, and he is hereby authorized and empowered, to commission such persons as may be elected by the company of Light-Infantry, now raising in the town of *Boston*, as officers to the same company, *viz.* One Captain; one Captain-Lieutenant, one First-Lieutenant, one Second-Lieutenant and one Ensign.

LXVI.

Resolve on the petition of the inhabitants of *Greenwich* and *Belcherton. October 28, 1786.*

On the petition of a number of the inhabitants of the town of *Greenwich* and *Belcherton*, praying that they may be incorporated into a town or parish :

Resolved, That the petition be so far granted, that the petitioners serve the Town-Clerk of *Greenwich*, with a copy of said petition, and the order of Court thereon, fourteen days before the second Wednesday of the next session of the General Court ; that the town of *Greenwich*, may then shew cause, (if any they have) why the prayer of said petition should not be granted.

And it is further *Resolved*, That the petitioners belonging to the town of *Greenwich*, shall not be liable to be taxed by the said town, for the settlement of a minister, until the first day of *June* next.

LXVII.

Resolve requesting the Supreme Executive to apply to Congress, respecting deficient Regimental-Paymasters. *October 28, 1786.*

Whereas Congress did, on the third day of *November, A. D. 1783*, *Resolve*, That the certificates for the arrears of pay due to the officers and soldiers of the respective lines of the late Continental army, that were delivered to the regimental Agents, should be delivered to the individuals to whom they belonged ; or be deposited for their benefit, as the Supreme Executive of the State, to which the respective Agents belong,

shall direct ; but there was no penalty to enforce the compliance of said Agents, by delivering to the Secretary of this Commonwealth, said certificates ; and notwithstanding the Supreme Executive of this Commonwealth, did on the sixth day of *July 1785*, give directions to the Agents belonging to the *Massachusetts* line, to deposit in the office of the Secretary of this Commonwealth, all the certificates in their possession, yet it appears that the following Agents have neglected their duty, viz. *Azariah Eggleston, Ebenezer Storer, Joshua Danforth, Henry Nelson, Africa Hamlin, Park Holland, Crocker Sampson, and Samuel Jefferds :*

Therefore *Resolved*, That the Supreme Executive of this Commonwealth be, and hereby are requested, to apply to Congress, to take such further measures as shall by them be thought necessary to enforce a compliance of the said Agents, with the requisition of the said Supreme Executive.

LXVIII.

Resolve for raising six hundred and sixty men agreeable to resolve of Congress. *October 30, 1786.*

Whereas his Excellency the Governour, by his Message of the 27th of the present month, has communicated sundry resolutions of Congress, passed by that Hon. Body, on the twentieth day of this month, which resolutions are in the words following,

By the United States in Congress assembled. *October 20, 1786.*

The Committee consisting of Mr. *P. Pettit*, Mr. *Lee*, Mr. *Pinckney*, Mr. *Henry* and Mr. *Smith*, to whom was referred the letter from the War-Office, with the papers enclosed, containing intelligence of the hostile intentions of the Indians, in the Western country, have reported :

That the uniform tenor of the intelligence from the Western country, plainly indicates the hostile disposition of a number of Indian nations, particularly the *Shawanese, Putopotamies, Chippewas, Tarwas* and *Twightwees*.

That these nations are now assembling in the *Shawanese* towns, and are joined by a banditti of desperadoes, under the names of *Mingoes* and *Cherokees*, who are outcasts from other nations ; and who have associated and settled in that country, for the purpose of war and plunder ; that they are labouring to draw in other nations, to unite with them in a war with the *Americans* ; that it is expected, one thousand warriors will soon be collected in the *Shawanese* towns, from whence they have already dispatched parties to commence hostilities : That from the motions of the Indians to the southward, as well as the northward, and the exertions made in different quarters, to stimulate the various nations against the *Americans*, there is the strongest reason to believe, that unless the speediest measures are taken, effectually to counteract and defeat their plans ; the war will become general, and may be attended with the most dangerous and lasting consequences.

That

That the Committee therefore, deem it highly necessary, that the troops in the service of the United States, be immediately augmented, not only for the protection and support of the frontiers of the States, bordering on the Western territory, and the valuable settlements on, and near the margin of the *Mississippi*, but to establish the possession, and facilitate the surveying and selling of those intermediate lands, which have been so much relied on, for the reduction of the debts of the United States : Whereupon

Resolved, That the number of one thousand, three hundred and forty non-commissioned officers and privates, be raised for the term of three years, unless sooner discharged, and that they, together with the troops now in service, be formed into a legionary corps, to consist of two thousand and forty, non-commissioned officers and privates:

That the additional troops be raised by the following States, in the following proportions, *viz.*

<i>New-Hampshire</i> , 260	} Infantry and Artillery,	1220
<i>Massachusetts</i> , 660		
<i>Rhode-Island</i> , 120		
<i>Connecticut</i> , 180		
<i>Virginia and Maryland</i> , each 60 Cavalry, making		120
		<u>1340</u>

That the Secretary at War, inform the Executive authorities of the respective States, in which the troops are to be raised, the number and rank of commissioned officers to be furnished by each State, in proportion to the men.

That the pay and allowances to the troops to be raised by this resolve, be the same, as established by the act of Congress of the 12th of *April*, 1785.

That the said troops shall be subject to the existing articles of war, or such as may hereafter be formed by Congress, or a Committee of the States.

Resolved, That the States above-mentioned be, and they hereby are requested to use their utmost exertions to raise the quotas of troops, respectively assigned to them, with all possible expedition, and that the Executives of the said States be, and hereby are requested, in case any of their Legislatures should not be in session, immediately to convene them for this purpose, as a delay may be attended with the most fatal consequences.

Signed. CHARLES THOMSON, Secretary.

And whereas it appears to this Court necessary, That the said resolutions of Congress, should be immediately complied with, on the part of this Commonwealth :

Resolved, That his Excellency the Governour be, and he is hereby requested and empowered, with advice and consent of Council, to appoint such officers, and issue such orders, as may most effectually and immediately tend to raise the troops, required as this State's quota, agreeably to the resolutions of Congress, before recited.

Resolved

Resolved, That there be paid out of the treasury of this Commonwealth, such sum or sums of money, not exceeding *two thousand five hundred pounds*, as the Governour, with advice of Council may order, for the purpose of carrying the aforesaid resolution into compleat execution.

Resolved, That the Treasurer of this Commonwealth be, and he hereby is empowered and directed, to borrow on interest of *six per cent.* per annum, monies sufficient to answer the warrants, which may be drawn in consequence of the last mentioned resolution.

Resolved, That so much of the first monies, which shall be received into the treasury on account of the tax laid for the specie part of the requisitions of Congress, of the *27th of September, 1785*, as shall be sufficient to repay the money that shall be borrowed by the Treasurer, agreeably to the last mentioned resolution, be appropriated for that purpose.

Resolved, That all charges which shall be incurred by this Commonwealth, in consequence of these resolutions, shall be esteemed as payments toward the specie part of the requisitions aforesaid, of the *27th of September, 1785*, and charged to the same accordingly.

LXIX.

Resolve on the petition of *Sarah Shaw* and *John Rowe*. *October 31, 1786.*

On the petition of *Sarah Shaw*, executrix of the last will and testament of *Francis Shaw*, late of *Boston*, Esq; deceased, and *John Rowe*, administrator to the estate and effects of *Robert Gould*, late of said *Boston*, merchant, deceased, praying that a grant made by the Legislature of the late Province of *Massachusetts-Bay*, to *Nathan Jones*, *Francis Shaw* and *Robert Gould*, of a township called *Number-Three*, or *Gouldsborough*, in the county of *Lincoln*, east of *Mount-Desert*, may be confirmed to the grantees and their representatives, for reasons set forth in their petition :

Resolved, That said grant be confirmed to the said grantees, and their representatives, provided they, the said grantees or their representatives, shall within three years, from the passing this resolve, settle sixty Protestant families in said town, build sixty dwelling-houses in the same, not less than eighteen feet square, or of equal area, and seven feet post; clear and cultivate five acres of land to each family, fit for tillage or mowing; build a suitable meeting-house for the public worship of God, settle a learned Protestant minister, and make provision for his comfortable and honourable support.

And *Provided*, That the said grantees, appropriate four whole shares, or sixty-fourth parts, within one mile of the center of said town, equal in quality with the land in general in said town, for the following purposes:—One for the first settled minister, his heirs and assigns forever; one for the use of the ministry; one for the future disposition of government, and one for the use of a school forever: and provided further, that the said grantees shall allot and meet out, one hundred acres of land, unto each settler in said township,

township, who before the first day of *January*, 1784, settled thereon, and made separate improvements, the same to be laid out in one lot, in such manner as to include his improvement, upon his the said settler's paying to the said grantees or their Agent, *thirty shillings*,—unless where a particular agreement has already been made:

LXX:

Resolve on the petition of *Levi Thayer*. *October* 31, 1786.

On the petition of *Levi Thayer*, setting forth, that when absent beyond seas, one *Timothy Rawson*, unjustly recovered judgment against him said *Levi*, at a Court of Common Pleas, held in the county of *Worcester*, 1786 :

Resolved; That the said *Levi Thayer*; notify the said *Timothy Rawson*; by leaving with him, or at his last and usual place of abode, an attested copy of said petition and this resolve, at least twenty days before the second Wednesday of the next sitting of this Court, that so he may appear (if he see cause) and give reasons; why the prayer of this petition should not be granted, and that the execution be stayed in the mean time.

LXXI:

Resolve empowering *Hugh McClellan* and *David Smead*, Esq's. to make sale of land mentioned in the resolve of *July* 8, 1786. *October* 31, 1786.

Whereas by a resolve of *July* the eighth, 1786, *Caleb Strong* and *David Smead*, Esq's. were empowered to make sale of a gore or piece of land, adjoining on the town of *Ashfield*, in the county of *Hampshire*, and it appears convenient that the said *Caleb Strong*, should be excused from the duties of that appointment, and that some other person should be chosen in his place : Therefore

Resolved, That *Hugh McClellan*, Esq; be, and he hereby is empowered, together with the said *David Smead*, Esq; to make sale of the land in the said resolve mentioned, and to make a deed or deeds of the same, as in the resolve aforesaid is expressed.

LXXII:

Resolve on the petition of the Overseers of the poor of the town of *Marblehead*: *October* 31, 1786.

On the petition of *Samuel Hooper* and others; Overseers of the poor of the town of *Marblehead* :

Whereas by a resolve of this Court, of the fourth of *March*, 1784, the Collectors of the town of *Marblehead*, are directed, to collect and pay into the hands of the Overseers of the poor of said town of *Marblehead*, certain sums of money, for the support and maintenance of the poor of said town :

And whereas by said resolve, there is not sufficient power given to said Overseers to enforce the collection and payment of said monies : Therefore

Resolved, That the Overseers of the poor of the town of *Marblehead*, for the time being, be, and they are hereby authorized and empowered, to demand and receive, and in case of refusal to sue for, and recover of said Collectors, all the monies that are directed to be collected agreeably to said resolve of the fourth of *March*, 1784.

LXXIII.

Resolve appointing a Committee to burn bills of the new-emption, and other securities in the treasury, and empowering the Treasurer to make exchange of Continental securities. *November 1, 1786.*

Whereas it appears there are in the treasury of this Commonwealth, bills of the new-emption, so called, to the amount of *forty-four thousand, one hundred and forty-six pounds, three shillings, and nine pence*.—State notes, not consolidated, to the amount of *twelve thousand, three hundred and forty-nine pounds, fourteen shillings and one penny*.—Consolidated notes of this Commonwealth, to the amount of *thirty-thousand eight hundred and thirty-nine pounds, two shillings and two pence*.—Army notes to the amount of *ninety-five thousand, six hundred and twenty-four pounds, two shillings and ten pence*.—And certificate money, to the amount of *nine thousand, nine hundred and eighty-seven pounds* :

Resolved, That *Richard Cranich, Thomas Dawes and Jonathan Mason*, Esq's. be a Committee to examine the securities of the several denominations heretofore enumerated, which may be in the treasury, to ascertain the exact amount of each, and to see the bills of the new-emption defaced, and the rest of the above-mentioned securities burned and destroyed,—making return of their doings to the Secretary of this Commonwealth, to be laid before the General Court, at their next sitting.

And whereas it also appears, that there are in the treasury,—Continental Loan-Office Certificates, to the amount of *seventeen thousand, two hundred and ninety-three pounds, two shillings and eight pence*.—*Peirce's* final settlement Certificates on interest, to the amount of *twenty-three thousand, five hundred, and forty-four pounds, one shilling and six pence, three farthings* ; and *Appleton's* Certificates for interest, to the amount of *twelve thousand eight hundred and ninety-four pounds, eighteen shillings*.

And whereas it may be for the interest of this Commonwealth, that some exchanges of the said securities be made :

Resolved, That the Treasurer of this Commonwealth be, and he hereby is empowered and directed, whenever he may think it for the interest of this Commonwealth, to exchange the said Continental securities for other Continental securities on interest.

LXXIV.

Resolve on the petition of *Jesse Johnson*, in behalf of Lieutenant *William Campbell*, and the men borne on his roll, directing payment of said roll. November 2, 1786.

On the petition of *Jesse Johnson*, in behalf of Lieutenant *William Campbell*, of *Chester*, in the county of *Hampshire*, and the men borne on his pay roll, praying for pay for their service in support of government, at *Northampton* in said county, in the month of *June*, A. D. 1782 :

Resolved, That agreeable to said pay roll, there be paid out of the public treasury of this Commonwealth, to the said Lieut. *William Campbell*, and the men borne on his pay roll respectively, the sum set against each of their names, amounting in the whole, to the sum of *twenty-five pounds, thirteen shillings and eight pence*,—any law or resolve to the contrary notwithstanding.

LXXV.

Resolve on the petition of *Samuel Goddard*. November 3, 1786.

On the petition of *Samuel Goddard*, of *Royalstown*, praying that he may be empowered to release or quit-claim, part of a certain farm in *Oxford*, in behalf of his children, under age, for reasons set forth in his petition :

Resolved, That the said *Samuel* be, and he is hereby authorized and empowered, to release and quit-claim to *John Nichols*, of *Oxford*, and to his heirs and assigns, all such right in said farm, as might belong to *Henry, Samuel, Elizabeth, Asabel, Salmon* and *James*, minor children of the said *Samuel* : Provided, the said *Nichols* pay and satisfy the heirs of *Jonathan Simpson*, their full demands, for which purpose said farm was intended, and was made over as security ; and that such release or quit-claim, be deemed good to the said *Nichols*, as though the said children made and signed the same, after being arrived to lawful age.

LXXVI.

Resolve on petition of *Jonathan Nutting*. November 4, 1786.

On the petition of *Jonathan Nutting*, praying that he may be allowed to review an action, wherein *Robert Gardner*, obtained judgment against him, for reasons set forth in said petition :

Resolved, That the prayer of said *Jonathan Nutting's* petition be granted, and that he be allowed to enter, and prosecute his said review at the Supreme Judicial Court, to be holden at *Boston*, the third Tuesday of *February* next, and that the same Court proceed thereon, as though there had been no mistake, neglect, or breach of agreement ; Provided, the said *Nutting*, shall notify said *Gardner*, by serving him with an attested copy of this resolve, fourteen days before the said third Tuesday in *February*, any law, usage, or custom to the contrary notwithstanding ; and that the execution be said in the mean time.

MESSAGE

LXXVII.

MESSAGE from his Excellency the Governour, by the Secretary.
November 6, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I HAVE just had delivered to me, a letter from the county of *Hampshire*, dated a few days ago; which, as it gives information of measures the Insurgents are taking there, that are very dangerous to the peace and safety of the Commonwealth, I think it highly necessary should be immediately communicated to you:

It appears by it, that circular letters are sent to many towns in that county, directed to the Selectmen, and requiring them to assemble immediately the inhabitants of their respective towns, and to see that they are furnished with ammunition and arms, and are organized with officers according to law; and that some of those letters have this addition, that the militia be furnished with sixty rounds of cartridges, and stand ready to march at a minute's warning.

It also appears, that a County Convention is to be holden at *Hadley*, on the first Tuesday of *November*, which is, to-morrow: for the purposes mentioned, in the notification; a copy of which, with the aforesaid original letter, is herewith communicated.

These proceedings, Gentlemen, are of a very alarming nature, and require your immediate attention.

JAMES BOWDOIN,
COUNCIL-CHAMBER, November 6, 1786.

LXXVIII.

MESSAGE from his Excellency the Governour, by the Secretary.
November 7, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

THE mode pointed out by your resolve of the eighth of *July* last, for augmenting the garrison at the *Castle*, by government pensioners, having proved ineffectual, and the Commanding Officer there, having represented the necessity of augmenting the garrison, by reason of the increased number of convicts, I directed him by advice of the Council, to enlist for that purpose, not exceeding fifteen men, for the security and protection of the garrison and stores there, until the further order of the General Court.

Most of those men have been enlisted, and will be needed there at least until the goal, now building on that Island, shall be completed.

You will please, Gentlemen, to make an establishment for them, and for such a length of time, as you shall judge necessary.

An extract from the minutes of Council relative to this business, will accompany this Message.

On this occasion, Gentlemen, you will permit me to remind you of the exhausted state of the public magazines, in regard to powder.

In order to the procuring a sufficient quantity of it, you passed a resolve the eighth day of *July*, in consequence of my Messages to the General Court, of the 21st of *February*, and the 8th of *June* last, in which resolve you declare, that it will be expedient to grant a tax upon the polls and estates in this Commonwealth, sufficient to procure fifty tons of salt-petre, to be paid in money or salt-petre, on or before the first day of *July* next.

This matter, Gentlemen, respecting a sufficient supply of powder in the public magazines, is of so much importance to the safety of the Commonwealth, that you will probably think, an immediate attention to it necessary.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *November 7, 1786.*

LXXIX.

MESSAGE from his Excellency the Governour, by the Secretary.
November 7, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

A FEW days ago arrived here from *France*, by the way of *New-York*, Monsieur *Gregoire* and his Lady.—They claim in her right, a tract of land in the county of *Lincoln*, fronting on the sea two leagues, and extending from thence into the land two leagues; together with the Island of *Mount-Desert*, and the neighbouring Islands: the said tract of two leagues square having *Mount-Desert* in its front.

They represent their claim to be founded on a grant made to her Grandfather, Monsieur *La Motte Cattillac*, in 1688, under the authority of *Louis XIV.* then King of *France*.

I received by Monsieur *Gregoire*, a letter from the Marquis *la Fayette*, dated at *Paris*, in *August* last, and a letter from Monsieur *Otto*, Charge de affairs to Congress, from our illustrious Ally, the King of *France*, dated at *New-York*, the 23d of *October*, in which letters they recommend the claim of Madam *Gregoire* to the consideration of this government; as the land claimed is within its jurisdiction.

A memorial in behalf of the claimants, was presented to the General Court, by the Consul of *France*, in *June 1785*: but nothing final was done thereon.

As the claimants are come hither from *France*, for the purpose of settling this claim with the government, it is their earnest prayer, that the General Court would give an immediate attention to it; agreeably to their petition herewith exhibited.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *November 7, 1786.*

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Resolve

LXXX.

Resolve establishing the pay of the General Court. *November 7, 1786.*

Resolved, That there be paid out of the treasury of Commonwealth, the sum of *eight shillings*, to each member of the Honourable Council,—and the sum of *seven shillings and six pence*, to each member of the Honourable Senate,—and the sum of *seven shillings* to each member of the House of Representatives, for each day they have respectively attended the Council or the General Court the present session, also the further sum of one day's pay for every ten miles distance, each member lives from this place.

And it is further *Resolved*, That there be granted, and paid out of the public treasury of this Commonwealth, to the Honourable *Samuel Phillips*, jun. Esq; President of the Senate, the sum of *six shillings* per day, and to the Honourable *Artemas Ward*, Esq; Speaker of the House of Representatives, the sum of *six shillings* per-day, for each day's attendance on the General Court at their present sitting, over and above their respective pay, as members thereof.

LXXXI.

Resolve discharging Agents appointed to ascertain the value of sheep's wool, sole-leather, &c. to determine the value of certain notes. *November 7, 1786.*

Whereas it is altogether unnecessary, that the Committee, or Agents, appointed for collecting and ascertaining the value of the several articles specified in the notes issued for the pay of the late Continental army, commonly called depreciation notes, be any longer continued in office :

Therefore *Resolved*, That they be, and hereby are discharged from acting in said office, from and after the first day of *December* next.

LXXXII.

M E S S A G E from his Excellency the Governour, by the Secretary. *November. 8, 1786.*

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

BY the post I received a letter from our Delegates in Congress, in answer to one from me, which was written at your request.—The letter will be laid before you, and you will observe by it, that in obedience to the resolve of the General Court, they had requested of Congress a prolongation of the time, for receiving indents of interest, on the requisition of the 27th of *September, 1785.*

A report on that request, is now before Congress : but no decision can be had, until their next meeting after their dissolution, which was to take place in a few days.—Our Delegates however, say they can discover no certain inconvenience which will arise from the want of a present decision, as in
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most of the States, which have passed Legislative acts on that requisition, the collection is equally in arrear with *Massachusetts*. There is therefore, they apprehend, the highest probability, that a large majority of the States, will be in favour of extending the time, within which such indents may be received, and it seems to be their opinion, that the General Court may extend it within reasonable limits accordingly: confiding, that in such case, the indents will, by a proper act of Congress, be admitted to be passed to the credit of the Commonwealth, upon their quota of that requisition.

JAMES BOWDOIN.

COUNCIL-CHAMBER, November 8, 1786.

LXXXIII.

Resolve granting a bounty on Hemp raised in this Commonwealth, and laying an impost duty on all imported Hemp. November 8, 1786.

Resolved, That there be granted and paid out of the public treasury of this Commonwealth, a bounty of *six shillings* per hundred, for every gross hundred weight of good merchantable Hemp, that shall be raised and manufactured, or sold for the purpose of being manufactured within this Commonwealth, by any citizen of the same, from the first day of *January*, A. D. 1787, to the first day of *January*, A. D. 1790.—

Provided always, That no person shall be intitled to receive the bounty aforesaid, until he shall have produced to the Treasurer of this Commonwealth, a certificate, under the hands of the Selectmen of the town, in which the said Hemp was raised, or the major part of them, that the same was *bona fide* raised and dressed by the person named in their certificate aforesaid, or by some person or persons, acting for and under him, after the month of *January*, 1787.—And also another certificate from the Surveyor of Hemp, in the town where the same was sold or manufactured, or from some Rope-maker of good credit and reputation, where no such Surveyor of Hemp is appointed, that the Hemp, on which he claims the bounty, was of a good merchantable quality. And it is further

Resolved, That an impost duty of one *per centum*, be laid on all foreign Hemp, that shall be imported into this Commonwealth, from and after the said first day of *January*, A. D. 1787, which impost, or such part of it as may be necessary, shall be appropriated to the purpose of paying the bounties on Hemp, raised and dressed within this Commonwealth, agreeably to the foregoing resolve.

LXXXIV.

MESSAGE from his Excellency the Governour, by the Secretary. November 9, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

I HAVE this day received a letter from Major-General *Cobb*, dated at *Faunton*, the 30th of *October*, giving an account of his proceedings in calling forth the militia, for the protection of the Supreme Judicial Court, in their late session there.—

The conduct of the volunteers, and of several companies of militia that were called forth for that purpose, deserves great commendation, and it gives me pleasure to communicate the letter, that you may be informed how well, and with what spirit they distinguished themselves upon that occasion.

For the particulars you will please, Gentlemen, to be referred to the letter of General *Cobb*; whose vigilance, spirit and activity in this and other services, do him great honour.

JAMES BOWDOIN:

COUNCIL-CHAMBER, *November 9, 1786.*

LXXXV.

Order directing the Secretary to furnish the Committee on accounts, with such lists or rolls as may be reported by them, and allowed by the Governour, &c. *November 9, 1786.*

Ordered, That the Secretary be, and he is hereby directed, when the Governour shall have signed a resolve for the payment of any roll or list, reported by the Committee on accounts, to transmit to said Committee, an attested copy of such roll or list, who are hereby directed, to record the same in the said Committee's books.

LXXXVI.

Resolve giving day to all actions which were to have been tried on the last Tuesday of *August* last, by the Court of Common Pleas, &c. at *Northampton*, and for adjourning said Courts to the fourth Tuesday of *December* next. *November 9, 1786.*

Whereas divers actions commenced in the county of *Hampshire*, and returnable at the Court of Common Pleas, holden at *Northampton*, on the last Tuesday of *August* last, by reason of the commotions in the said county, were not entered in the same Court :

Therefore *Resolved,* That all writs and processes, which were made returnable, and all appeals made to the said Court of Common Pleas, in *August* aforesaid, may be entered at the Court of Common Pleas, which shall next be holden in said county; and the Justices of the same Court, are hereby authorized to proceed upon, and render judgment on such actions and appeals, which shall be of the same validity, and have the same effect, as if such actions or appeals had been entered at the said term in *August*: and all recognizances taken in the Court of General Sessions of the Peace in said county, on the third Tuesday of *May* last, or which were returnable to the same Court, on the said last Tuesday of *August*, shall be proceeded upon at the next Court of General Sessions of the Peace, which shall be holden in the same county, as they might have been on the said last Tuesday of *August*, if no interruption to the said Court had then taken place.

And be it further *Resolved,* That the Justices of the Court of General Sessions of the Peace, for the said county, at the term of the said Court, to be

be holden at *Northampton*, on the second Tuesday of *February* next, be, and they hereby are authorized and empowered, to grant licences to Inn-keepers and Retailers of spirituous liquors, in the same manner as by law they were authorized to grant such licences, on the last Tuesday of *August* last, any law to the contrary notwithstanding.

And whereas the present session of the General Court, may be so far protracted, as to render it expedient to adjourn the Courts of Common Pleas and General Sessions of the Peace, for the county of *Hampshire*, by law to be holden at *Springfield*, in and for said county, on the second Tuesday of *November* instant :

Resolved, That the said Courts of Common Pleas and General Sessions of the Peace be, and the same are hereby adjourned, to the fourth Tuesday of *December* next, then to be holden at *Springfield* aforesaid ; and all writs, processés and recognizances, which are or may be returnable to the said Court of Common Pleas, or Court of General Sessions of the Peace, and all actions and processés, continued, or triable in said Courts, shall be returnable to, have day, and be triable on said fourth Tuesday of *December*, in like manner, as they might or could have been, if the same Courts had been holden on the second Tuesday of *November* aforesaid.

And all parties concerned, are to take notice hereof.

LXXXVII.

Letter of Instruction to the Delegates at Congress, respecting *James Boyd*, to be signed and forwarded by the Governour. *November 10, 1786.*

On the petition of *James Boyd, Esq;*—a letter of instruction to the Delegates of this Commonwealth at Congress :

IT having been represented to this Court by *James Boyd, Esq;* now resident in *Boston*, that he obtained from the *British* government in the year 1767, a grant of fifty thousand acres of land, lying on the banks of the *River-Schooduck* ; and that the said *Boyd* went on, and possessed the said lands, introducing at his own charge, a large number of families, and that he was at great expence for cattle and farming utensils of all sorts, as well as in the erecting of necessary mills and water works ; but in the beginning of the late war, between *Great-Britain* and these States, he took such an active and decided part in favour of the latter, that he soon became very obnoxious to the resentment of the *British*, and was obliged to leave all his property and possessions, and flee to the protection of the United States ; that he has resided in *Boston*, until the present time, in hopes that his aforementioned lands, would fall within the bounds of this State, and that he should be reinstated in them ; that the whole of his lands are on the western side of that river, which we suppose to be the *St. Croix*, mentioned in the Treaty, and the boundary line between *Nova-Scotia*, and these States ; but that as the *British* subjects are at present in the possession of those lands, the said *Boyd* is unjustly prevented from returning there to occupy and im-

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prove

prove them. As we esteem him to have been a good friend to this country, and still to remain such,—and one who is at present deprived of the possession of a large interest, in consequence of his attachment to it,—we instruct you to recommend him to the attention and favour of Congress, and to move that Honourable Body, to afford him such relief as they may think proper.

Read and *Ordered*, That the foregoing letter be transmitted, and that his Excellency the Governour, be requested to sign and transmit the same to the Delegates from this Commonwealth in Congress.

LXXXVIII.

Resolve on the petition of the town of *Northfield*, directing the Treasurer to credit said town, *five hundred and seventeen pounds, fifteen shillings and nine pence*, in back taxes, and for assessing the sum of *three hundred and forty-two pounds, six shillings*, on the county of *Hampshire*. November 10, 1786.

Whereas it appears by the valuation books and returns, made by the town of *Northfield*, that there was a mistake in the valuation settled in 1779, by means whereof, the said town of *Northfield*, was charged with *eight shillings and four pence*, on the *thousand pounds*, more than it ought to have been, in consequence of which the said town was assessed in the several taxes, granted on the valuation of 1779, the sum of *one hundred and ninety-two pounds, six shillings*, more than its just proportion; *sixteen pounds sixteen shillings and three pence*, of which sum, the town have received.

And whereas it further appears, that in settling the valuation of 1782, the members of the county of *Hampshire*, made an addition of *six shillings and seven pence*, to the sum charged to the town of *Northfield*, by the Committee on valuation, in consequence of which the said town of *Northfield*, has been assessed in the several taxes granted and proportioned by the last mentioned valuation, the sum of *three hundred and forty-two pounds, six shillings*, more than its proportion.

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed, to credit the town of *Northfield*, the sum of *five hundred and seventeen pounds, fifteen shillings and nine pence*; on the back taxes.—And there be assessed, on the several towns in the county of *Hampshire*, in the next State tax, *three hundred and forty-two pounds six shillings*, of the above sum, in proportion as they stand on the valuation.

LXXXIX.

MESSAGE from his Excellency the Governour, by the Secretary.
November 11, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

IN consequence of the resolve of the General Court, relative to *Penobscot* Indians, General *Lincoln* was appointed, by advice of the Council, to compleat the agreement, which he and the other Commissioners, connected with him in that business, had made with those Indians in *August* last.

Unfortunately

Unfortunately, the Indians were gone upon their fall hunt : by which means he had an opportunity of speaking with only one of their chiefs, to whom he communicated the Government's confirmation of the agreement with them, and informed him of the quantity of blankets and ammunition he was charged with, and which were to be delivered to them, on their fulfilling their part of their agreement ; and signing the deed by which they were to relinquish to this Commonwealth, all claim to the lands stipulated in the agreement.

In the report of his proceedings, General *Lincoln* mentions, that he had placed the goods in the hands of Mr. *John Lee*, of *Majabigwaduce*, whose abilities, integrity, fortune and attention to business, he could, from his own knowledge of him, depend upon. He has taken Mr. *Lee's* receipt for the goods, which, as appears by the receipt, he has engaged to deliver to those Indians, agreeably to General *Lincoln's* written directions to him.

The said report and receipt, with the several papers accompanying them; are herewith, Gentlemen, laid before you.

JAMES BOWDOIN:

COUNCIL-CHAMBER, November 11, 1786.

XC.

Resolve granting the Governour and Council, *two hundred pounds*, to carry the mint act into execution, and directing all persons who have Copper in their possession, belonging to this Commonwealth, to deliver it to the Commissary-General. November 11, 1786.

Resolved, That the Governour, with advice of Council, be, and he hereby is empowered, to draw a warrant on the Treasurer of this Commonwealth, for the sum of *two hundred pounds*, to be applied to the carrying into execution, an act for establishing a mint for the coinage of gold, silver and copper, passed the present session.

Resolved, That all persons having in their possession, any Copper belonging to this Commonwealth, be, and they are hereby directed, to deliver the same to the Commissary-General, who is hereby directed to deliver, to the order of such person or persons as may be appointed by the Governour, with advice of Council, Inspector or Inspectors of the mint, such Copper as he may receive as aforesaid, together with what he may now have on hand, and is useful for coinage, taking duplicate receipts therefor, one of which shall be lodged with the Secretary.

XCI.

Resolve on the petition of *William Bodman*, in behalf of the town of *Williamsburgh*. November 11, 1786.

On the petition of *William Bodman*, in behalf of the town *Williamsburgh*, setting forth, that in the year 1780, the General Court passed a resolve, by which

which the said town was abated, and ought to have been credited, the sum of *six hundred pounds*, paper money,—and that the town have not received any benefit therefrom :

Resolved, That the Treasurer be, and he hereby is directed, to credit the town of *Williamsburg* aforesaid, out of any tax laid on the said town, prior to the last tax, the sum of *fifteen pounds* in specie, that sum being equal to the aforesaid sum of *six hundred pounds*, and is in full consideration therefor.

XCII.

Resolve on the petition of the town of *Belfast*, discharging them from certain taxes. *November 11, 1786.*

On the petition of the inhabitants of the town of *Belfast*, shewing that in the late war, they were obliged from their exposed situation to the enemy, to desert their possessions, and suffered great loss in their interest, whereby they are rendered unable to pay the public taxes, assessed on them, and praying for a remission of the said taxes :

Resolved, That the prayer of the said petition be so far granted, that the said town of *Belfast* be, and it is hereby discharged of all the public taxes, assessed on the said town, except the tax issued in *March* last ; and the Treasurer of this Commonwealth is directed to govern himself accordingly.

XCIII.

Resolve on petitions of the plantations of *Hancock* and *Canaan*. *November 11, 1786.*

On the petitions of the plantations of *Hancock* and *Canaan*, setting forth their great poverty and inability for the payment of public taxes, and praying for an abatement of the taxes assessed on them by the town of *Winslow* :

Resolved, That the plantations of *Hancock* and *Canaan*, be, and they hereby are discharged from paying to the town of *Winslow* the several taxes assessed on them by the said town ; and that the Treasurer of the Commonwealth be, and hereby is directed to credit the said town of *Winslow* accordingly.

Resolved, That the plantations of *Hancock* and *Canaan*, be, and they hereby are authorized and required, to assess on the inhabitants of the said plantations, the sums of money assessed on them by the town of *Winslow*, and to collect the same ; and that the sums of money so assessed and collected, be severally applied to the making and repairing roads and bridges in the said plantation.

And be it further *Resolved*, That in case the foregoing resolution be not carried into effect, and a certificate thereof, produced and given in to the Treasurer of the Commonwealth, on or before the first day of *November* next, then, and in that case, the monies aforesaid, or such parts of them, as shall not be applied to the purposes aforesaid, shall be paid into the treasury of his Commonwealth.

MESSAGE

XCIV.

M E S S A G E from his Excellency the Governour, by the Secretary.
November 13, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

I HAVE lately received several letters, which it is proper should be communicated to you.

One of them is from the Honourable Mr. *Jay*, Secretary for foreign affairs, of the 23d of *October*, transmitting, pursuant to an order of Congress, of the 9th of *August* last, an account of all the Negroes belonging to this State, that appear to have been carried away by the *British*, in contravention of the late Treaty of Peace, when they evacuated *New-York*.

It appears by the said order, that a like account was to be sent to each of the United States, of the Negroes belonging to them respectively, and which were at the same time carried away by the *British*. The probable reason of that order seems to be, that the several States, or the individuals whose property they were, might take such measures as they should judge suitable, for recovering the value of the Negroes carried away. In this business, Gentlemen, you will pass such order as you shall think proper.

There are two of those letters from Mr. *Thomson*, of the 27th of *October* and 4th of *November*: the first enclosing Resolves of Congress of the 23d of *October*, which represent the substance of the acts of the several States, respecting certain commercial powers vested in Congress.—By that representation it appears, that if the States of *New-Hampshire* and *North-Carolina*, had conformed their acts to the recommendations of Congress, the commercial powers therein requested, might immediately begin to operate.

Congress have therefore, again earnestly recommended to the Legislatures of those two States, at their next session, to pass acts in such conformity with the Resolutions of Congress of the 30th of *April, 1784*, as to enable them to exercise those powers as soon as possible. If the requested acts should be passed, there will be room to hope for an establishment of such regulations as will serve to revive commerce, and again place it on a broad and solid foundation.

Mr. *Thomson's* other letter mentions, that Congress, previous to their rising, had commanded him to inform the Executive of each State, that the present critical situation of public affairs, requires the immediate assembling of the States in Congress, agreeably to the fifth article of the Confederation; and that it is their earnest desire, that the Delegates for each State, be urged to give their attendance with all possible dispatch.

The other letter, with the accompanying papers, is from our Delegates in Congress, dated the 31st of *October*; by which it appears, that Congress have received from Mr. *Hutchins*, the Geographer-General, a confirmation of the hostile disposition and intention of the Western Indians, not only against the persons employed by Congress, in the survey of the territory of the United States, northwesterly of the *Ohio*; but against the frontier inhabitants.

habitants of the States bordering on that River. In consequence of that intention, the Geographer and Surveyors, on the 18th of *September*, abandoned the surveys, retreated to the *Ohio*, and there threw up redoubts for their protection.

On this occasion, Gentlemen, I would inform you, that in consequence of your resolves for raising a body of troops, for the service of the United States, the necessary measures for that purpose are in execution: and the Commanding Officer, Colonel *Jackson*, is busily employed in effecting it. He has represented to me, that it is usual on such occasions, and the service requires, that an allowance should be made to the enlisting officers, for defraying the necessary expence attending the enlistment.

You will please to take this matter into consideration; and make such allowance, on account of the United States, as you shall judge suitable.

The several letters and papers, to which this Message refers, will accompany it.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *November 13, 1786.*

XCV.

MESSAGE from his Excellency the Governour, by the Secretary.
November 14, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

I HAVE just received a letter from *James Sullivan* and *Theophilus Parsons*, Esq's. two of our Agents for settling the controversy, between this State and *New-York*, relative to the Western territory.

You will observe by it, that the Agents of the two States, have agreed to meet at *Hartford*, on the 30th instant, to compromise the controversy without a federal Court: that our other Agents, Mr. *Lowell* and Mr. *King*, being at *New-York*, expect to meet Mr. *Sullivan* and Mr. *Parsons* there; and that these Gentlemen purpose to proceed thither, in case the Treasurer is enabled to furnish them upon the warrant already issued in favour of the Agents, with money necessary to bear their expences in this business.

The sum requested, is mentioned in their said letter; which will herewith be laid before you.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *November 14, 1786.*

XCVI.

MESSAGE from his Excellency the Governour, by the Secretary.
November 14, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

A FEW days ago General *Brooks*, the Major-General for the county of *Middlesex*, sent enclosed in his letter to me, an exact return of the troops, that

that were assembled at *Cambridge*, on the first of the current month, for the support of the Supreme Judicial Court.

It appears by the return, that besides volunteers, there were more than two thousand of the militia then assembled in military order, for that laudable purpose.

Upon your signifying your earnest desire, that effectual measures should be taken, to prevent any interruption to the sitting of the Court, I immediately issued orders, with advice of the Council, to General *Brooks*, that several of the regiments, with four of the companies of Artillery within his division, should be held in readiness to march, and some of them had marching orders to appear at *Cambridge*, at a given time. The two contiguous regiments in the county of *Suffolk*, besides a number of companies in *Boston*, and the artillery companies of *Roxbury* and *Dorchester*, had orders to be in readiness. Orders were likewise sent to Major-General *Titcomb*, for two of the nearest regiments in the county of *Essex*, to hold themselves in readiness: all the said regiments and companies being to march in case of necessity, signified by orders from General *Brooks*, under whose command the whole were to be.

As none of the insurgents made their appearance, I hope from a conviction of the extreme impropriety and unlawfulness of their former conduct, there was no occasion for issuing marching orders to those regiments and companies, which had been only ordered to be in readiness. But such however, was their ardor, to distinguish themselves in support of government and the constitution, that several of them, voluntarily marched to *Cambridge*; where they joined the *Middlesex* militia, and all together, formed an excellent body of troops, which reflected great honor on that county, and on the several corps to which they belonged. The regiments and companies of which that body was composed, you will observe, Gentlemen, by the return.

So favorable an opportunity offering for a review, I reviewed them, accompanied by his Honour the Lieutenant-Governour, and the Council, the Chief Justice and the other Justices and officers of the Supreme Judicial Court, the President of the University, several General Officers and other Gentlemen: who all expressed a high satisfaction in the order, appearance and discipline of the troops; which being afterwards formed into solid columns, a short address to them by the Governour, finished the review.

It is with pleasure, I inform you, Gentlemen, that the spirited conduct of the troops on that occasion, merited the applause and thanks of every friend to the constitution; and that Major-General *Brooks*, who distinguished himself by his attention, activity and animated exertion in the whole conduct of this business, has in a particular manner merited them.

His letter and return, and also General *Titcomb's* letter, will accompany this Message.

JAMES POWDOIN.

COUNCIL-CHAMBER, November 14, 1786.

Resolv^e

XCVII.

Resolve authorizing Courts of Common Pleas and Courts of Sessions, next to be holden in the county of *Middlesex*, to take cognizance of all actions, &c. which should have been determined upon in *September* last. *November* 14, 1786.

Whereas the Court of General Sessions of the Peace, and Court of Common Pleas in the county of *Middlesex*, which should have been holden at *Concord*, for and within the said county, on the second Tuesday of *September* last, was prevented sitting and transacting the business of the said Courts :

Therefore,

Resolved, That all writs and processess, which were returnable, and all appeals made, and all actions continued to the said Court of Common Pleas, in *September* last, may be entered, and have day at the Court of Common Pleas which shall next be holden in the same county ; and the Justices of the same Court are hereby authorized to proceed upon, and render judgment on all such actions and appeals ; which shall be of the same validity, and have the same effect, as if such actions or appeals had been entered at the aforesaid term in *September* last ; and all recognizances returnable in the Court of General Sessions of the Peace in the same county, on the aforesaid second Tuesday of *September* last, shall be proceeded upon at the next Court of General Sessions of the Peace, which shall be holden in the same county, in the same manner as they might have been on the said second Tuesday of *September*, if no interruption to the said Court had taken place.

And be it further *Resolved*, That the Justices of the Court of General Sessions of the Peace for the said county, at their next session, to be holden at *Cambridge*, on the last Tuesday of *November* instant, be, and they hereby are authorized and empowered to grant licences to inn-keepers and retailers of spirituous liquors, in the same manner, as by law they were authorized to grant such licences on the said second Tuesday of *September* last, any law to the contrary notwithstanding.

XCVIII.

Resolve authorizing the Supreme Judicial Court, to set at *Lenox* in *May* next, to take cognizance of all actions, &c. which should have been determined upon by the said Court, in *October* last. *November* 14, 1786.

Whereas at the time for holding the Supreme Judicial Court at *Great-Barrington*, within and for the county of *Berkshire*, on the first Tuesday of *October* last, the Justices of the said Court, by reason of the commotions, tumults and disorders in the said county were prevented from holding the said Courts at the said time and place, within and for the said County :

Therefore, *Resolved*, That the said Supreme Judicial Court, be held at *Lenox*, within and for the said county of *Berkshire*, on the first Tuesday of *May* next, then and there to transact, and do all the business, and to hear
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and determine all the several causes, complaints and other matters and things which would regularly have come before the said Court, had it been held on the first Tuesday of *October* last, as aforesaid; and likewise all the several causes, complaints, recognizances and other matters and things, which may regularly be brought before the said Court, that have arisen or may arise in the said county, from the said first Tuesday of *October* last, until the holding of the said Court, on the first Tuesday of *May*, as aforesaid, and that all appeals, writs, recognizances, warrants, complaints and other causes, which were to have been returned, received, considered and proceeded upon by the said Court at their term in *October* last, as aforesaid, shall be returned, received, considered and proceeded upon, heard and determined, in like manner as the same might and ought to have been returned, received, considered, proceeded upon, heard and determined before the said Court, if the same Court had been held in the said county, on the first Tuesday of *October* last, any law to the contrary notwithstanding.

XCIX.

Resolve for adjourning Courts of Common Pleas for the county of *Berkshire*, to *February* next. *November 14, 1786.*

Whereas at the time for holding the Courts of Common Pleas, and General Sessions of the Peace, at *Great-Barrington*, in the county of *Berkshire*, on the second Tuesday of *September* last past, the Justices of the same Courts, for special reasons, did not proceed to transact the usual business, but having opened the same Courts, and continued all the actions, complaints, matters and things therein depending, adjourned without day: And whereas it is expedient that the next Courts of Common Pleas, and General Sessions of the Peace for the said county should be adjourned:

Therefore, *Resolved*, That the Courts of Common Pleas, and General Sessions of the Peace, by law to be holden at *Great-Barrington*, within and for the said county of *Berkshire*, on the third Tuesday of *November* current, be, and the same are hereby adjourned to the first Tuesday of *February* next, to be holden at *Lenox*, within and for the said county, and that all writs, recognizances, warrants and other processes issued, taken and depending in the said Courts, or either of them, or which were to have been returned and proceeded upon, and all matters and things which might be heard and determined by the said Courts, either at their session in *September* or *November* as aforesaid, shall be returned and proceeded upon, heard and determined by the said Courts, at the time appointed by this resolve, for the holding the said Courts, in like manner as the same respectively might and ought to have been returned and proceeded upon, heard and determined, by the said Courts, which were held on the said second Tuesday of *September*, and adjourned in manner aforesaid, or which by law might and ought to be held on the said third Tuesday of *November*, if the same Courts were not adjourned by this resolve, any law to the contrary notwithstanding.

C.

Resolve extending the time for receiving Loan-Office certificates for interest in payment of one third of the tax last issued. *November 15, 1786.*

Whereas it was provided in the tax act, passed the twenty-third of *March* last, that one third part of the said tax might be paid in certificates issued from the Loan-Office, for the interest of the liquidated debt of the United States; provided that the same were paid with a sum in specie equal to one half of such certificates, on or before the first day of *January* next: And whereas the delay in furnishing the Loan-Officer of this Commonwealth, with certificates, will render it inconvenient to many of the citizens thereof, to pay that part of said tax within the time aforesaid:

Resolved, That the Collectors of the said tax, in the several towns, districts and plantations in this Commonwealth, be, and they are hereby authorized and directed, to receive one third part of said tax in certificates, issued from the Loan-Office for interest on the liquidated debt of the United States; provided they are paid with a sum in specie equal to one half of such certificates, on or before the first day of *April* next, any thing in said act to the contrary notwithstanding.

CI.

Resolve providing for the payment of the Members of the General Court. *November 15, 1786.*

Resolved, That the Treasurer be, and he is hereby directed to pay the Members of the Honorable Council and the Members of the General Court, for their travel and attendance the present session, out of the specie part of the tax granted in *March, 1786*, and appropriated for the support of government, or out of any back taxes that are to be paid in specific articles, as they shall choofe.

CII.

Resolve directing the Commander of the Castle to make a return to the Governour of unserviceable cannon; the Commissary-General to sell the same, and purchase iron for the new goal on said Island. *November 15, 1786.*

On the memorial of *Richard Devens*, Esq; Commissary-General:

Resolved, That the Captain of the Castle, on *Castle-Island*, be, and he is hereby directed, to make a return of such iron-cannon, on the said Island, or in the neighbourhood, as is unfit for service, to the Governour; and the said Commissary-General, is hereby authorized and directed to make sale of

such

such iron-cannon, as shall be so returned as unfit for service, and to purchase iron, for the goal, &c. now building on the said Island, he to be accountable.

CIII.

M E S S A G E from his Excellency the Governour, by the Secretary.
November 16, 1786.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

T H E post of the last evening, brought me a letter from the Board of Treasury, dated at *New-York*, the seventh instant. It inclosed a resolution of Congress of the 21st of *October*, which was passed unanimously; that the several States in the Confederacy, be required to pay into the federal Treasury, on or before the first day of *June 1787*, their respective quotas of the sum of *five hundred and thirty thousand dollars*, in specie, for the pay and support of the troops of the United States, on the present establishment.

Among the quotas of the several States, the quota of *Massachusetts* is *seventy-nine thousand, two hundred and eighty-eight dollars*; which sum when paid, will be passed to the credit of this State, on the terms prescribed by the resolve of Congress of the 6th of *October 1779*.

The Board of Treasury are authorized and directed, to open a loan immediately, to the amount of *five hundred thousand dollars*, at *six per cent.* per annum, on the credit of the foregoing requisition, which they are authorized to pledge to the lenders, for the faithful re-imbursment of the money loaned, and of the interest of it.

As this business, Gentlemen, requires dispatch, you will permit me to recommend it to your immediate attention.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *November 16, 1786.*

CIV.

Resolve adjourning *Plymouth Courts*, to the 2^d Tuesday in *January* next.
November 16, 1786.

Whereas a Court of General Sessions of the Peace, and a Court of Common Pleas, are by law to be holden at *Plymouth*, within and for the county of *Plymouth*, on the second Tuesday of *December* next: And whereas the fourteenth day of *December*, is appointed for a day of Public Thanksgiving; which renders it inconvenient that the said Courts, should be holden at the time appointed by law: Therefore

Resolved, That the Court of General Sessions of the Peace, and Court of Common Pleas, which by law should be holden at *Plymouth*, within and for the county of *Plymouth*, on the second Tuesday of *December* next, be; and they are hereby adjourned to the second Tuesday of *January* next, then to be holden at *Plymouth*, within and for the county aforesaid: and all writs, process

processes and recognizances, returnable to, and all appeals made to the said Court of General Sessions of the Peace, and Court of Common Pleas, appointed by law to be holden at *Plymouth*, as aforesaid, and all matters, causes and things, that might have had day, or that might have been had, moved or done, at, in, or by the said Courts at the time by law appointed for holding the same, shall be returnable to, and may be entered, prosecuted, had, moved and done, at, in and by the said Courts, at the time hereby appointed for holding the same, any law to the contrary notwithstanding,—and the Secretary is hereby directed, to publish this resolve in the two *Boston* newspapers, which shall be printed next after passing the same.

CV.

Resolve directing the Treasurer to borrow *seventy-two pounds*, for the Agents appointed for settling the controversy between this State and *New-York*, relative to the Western territory. *November 16, 1786.*

On the representation of *James Sullivan* and *Theophilus Parsons*, Esqrs. two of our Agents for settling the controversy between this State and *New-York*, relative to the Western territory :

Resolved, That the Treasurer be empowered and directed, to borrow the sum of *seventy-two pounds*, to be repaid out of the money, which may come into the treasury from that part of the tax, granted in *March* last, which is appropriated for the use of government ; and pay the same unto the two Agents above-named, for the purposes aforesaid, they to be accountable therefor.

CVI.

Report of the Committee respecting the dividing the county of *Lincoln*, into three districts, &c. and an order directing the Secretary to transmit a copy to each town and plantation in the said county, that they may shew cause, &c. *November 16, 1786.*

The Committee of both Houses, on the Governour's Message of the fourth instant, accompanied with a report of the Commissioners, appointed the sixth of *July* last, to treat with the *Penobscot* tribe of Indians, and for certain other matters respecting the county of *Lincoln*, beg leave further to report,—

That in the opinion of your Committee, it would be expedient, that the present county of *Lincoln* be hereafter formed into three distinct counties, and that the dividing lines of the said counties, be now established, as the establishment of those lines would much facilitate the laying out of townships, so as to prevent many inconveniences in future, that might otherwise arise—and until those counties be incorporated, that the present county of *Lincoln*, remain in all other respects as at present,—and that the dividing lines of the intended counties, be as follows; *viz.* The first county to be bounded

bounded on the one side of the county of *Cumberland*, and the dividing line between the said first county and the second, to begin on the *Atlantic-Ocean* at the west bounds of the town of *Thomaston*, thence running northerly by the west line of said town, to the south-easterly corner of the town of *Warren* to the town of *Union*, then by the east line of the last mentioned town, to the north-east corner of the same, then north seven degrees east, to the north line of *Waldo's* patent, so called, then north to the high lands. The dividing line between the second or middle county, and the third, to begin on the *Atlantic-Ocean*, and extend northerly with the western bounds of *Goldborough* to township *Number-Two*, thence with the south line of that township to the eastern bounds thereof,—then with the said eastern bounds, as far as the town extends—then on the same course, north, to the high lands. The third or eastward county, to comprehend all the lands within this Commonwealth, to the eastward of the line last described.—And that the shire towns of the said counties, when incorporated agreeable to the above division, be as follows, *viz.* The shire town of the first county, to be at *Pownalborough*; the shire town of the second, or middle county, to be at *Number-Three*, on *Penobscot-River*, and the shire town of the eastern county, to be at *Machias*.

Your Committee are further of opinion, that it will be expedient, that a road should be opened from *Penobscot-River*, to the bay of *Passamaquoddy* near the mouth of *Schooduck*, agreeable to the report of the Commissioners afore-mentioned; and that provision be made for that purpose, at the next sitting of the General Court.

It appears by the report of the said Commissioners, that some of the plantations in the said county of *Lincoln*, complain that by reason of the laws not being forwarded to them, they are ignorant of the mode of assessing the late tax; to remove this, and prevent a similar complaint in future, your Committee apprehend that it is necessary, that the Treasurer be directed to furnish such deficient plantations, with the tax acts referred to, and that the Printers be directed to furnish the several plantations in this Commonwealth, with the Laws and Resolves, that shall from time to time be passed.

Your Committee having considered the several matters contained in his Excellency's Message, with the papers accompanying it, except what relates to certain irregular marriages mentioned by the said Commissioners, it is their opinion that this be referred to future consideration, and ask leave to be discharged.

COTTON TUFTS, per order.

Read and accepted, and Ordered, That the Secretary transmit to the several towns and plantations in the county of *Lincoln*, a copy of such part of this report, as respects a division of that county, that they may appear on the third Wednesday of the next sitting of the General Court, to shew cause, if any they have, why the county of *Lincoln*, shall not be divided into three separate counties, in the manner therein proposed.

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Resolve

CVII.

Resolve granting *forty pounds*, to the Clerk of the Senate and House.
November 16, 1786.

Resolved, That there be paid out of the public treasury, to Mr. *George Richards Minot*, Clerk of the House of Representatives, and to Mr. *Samuel Cooper*, Clerk of the Hon. Senate, *forty pounds* each; on account of their services the present year.

CVIII.

Resolve granting *two hundred pounds* to *Robert* and *Alexander Barr*, to enable them to compleat certain machines, &c. November 16, 1786.

Resolved, That there be granted and paid out of the public Treasury of this Commonwealth, to the said *Robert* and *Alexander Barr*, the sum of *two hundred pounds*, to enable them to compleat the said three machines, and also a roping machine, and to construct such other machines, (connected with those already exhibited) as are necessary for the purpose of carding, roping and spinning of sheep's-wool, as well as of cotten-wool; they to be accountable for the expenditure of the same, and to lay their accounts of the whole expence of those several machines, before the General Court, for allowance.

And it is also *Resolved*, That all those machines before-mentioned, when finished, shall be delivered by the said *Robert* and *Alexander Barr*, to a Committee of the General Court, to be hereafter appointed; to be disposed of, as the Legislature shall think meet, for the purpose of promoting, extending and encouraging the manufacture of woolens and cottons within this Commonwealth.

And it is further *Resolved*, That a gratuity, such as the General Court may hereafter agree upon, (when a full trial shall have been made of the utility, and public advantage of those machines) shall be given to the said *Robert* and *Alexander Barr*, as a reward of their ingenuity, and as an inducement to other ingenious Artists and Manufacturers to bring their arts also into this Commonwealth.

CIX.

Resolve directing the Treasurer, in what manner to proceed in drawing orders on Collectors and Constables. November 16, 1786.

Whereas it appears that the drawing of orders on the Collectors of taxes, promiscuously, has tended to depreciate these orders:

It is therefore, *Resolved*, That in all orders hereafter to be drawn, in anticipation of that part of the tax granted in *March* 1786, which was appropriated for the support of government, and for the payment of the interest

rest on the consolidated notes of this State, the Treasurer be, and he is hereby directed to draw on particular Collectors or Constables, and that orders shall not be credited to any other Collectors or Constables, than those on whom they were drawn.

CX.

Resolve for expediting the sale of public lands at the eastward, and adding *Leonard Jarvis* and *Rufus Putnam*, Esquires, to the Committee, and directing no taxes to be assessed on said lands for ten years. November 16, 1786.

Whereas it is for the interest of this Commonwealth, that the sales and settlements of the unappropriated lands, in the eastern counties, should be forwarded with the greatest expedition :

And whereas the Committee, appointed by a resolve of the twenty-eighth of *October* 1783, on the subject of unappropriated lands, have represented to this Court, that an addition to the said Committee, may tend to facilitate the said sales and settlements :

Resolved, That *Leonard Jarvis*, and *Rufus Putnam*, Esquires, be, and they are hereby added to the said Committee ; any two of whom, by consent of the majority, are hereby empowered to transact and compleat any business that is or may be assigned to the Committee, by virtue of the aforementioned, or other resolves.

It is further *Resolved*, That no taxes for the use of this Commonwealth, or of the United States, shall be assessed on any of the said lands, which may be sold by the said Committee, after the passing of this resolve, until ten years shall be completed from the date of the deed.

CXI.

Resolve on the petition of *Josiah Bemis*. November 17, 1786:

On the petition of *Josiah Bemis*, a prisoner now under confinement in the common goal of the county of *Suffolk*, praying that he may be liberated from his confinement in the said goal :

Resolved, That the prayer of the petitioner be so far granted, as that the said *Josiah Bemis*, be liberated from his confinement in the goal aforesaid, on the following express condition; *that is to say*, that he the said *Bemis*, previous to his liberation, enter into recognizance with two sufficient sureties, before some Justice of the Peace, in and for the county of *Suffolk*, in such a sum each, as the said Justice shall judge reasonable : conditioned, that if the said *Josiah Bemis*, shall be of good behaviour towards all the subjects of this Commonwealth, for the term of seven years next after the time of his said liberation, then the said recognizance to be void ; otherwise to abide in full force and virtue. And the Justice before whom the recognizance aforesaid

aforeſaid, ſhall be acknowledged, is hereby directed to return he ſame to the next Court of General ſeſſions of the Peace, to be holden in and for the county aforeſaid, there to remain on the files of the ſaid Court.

CXII.

Reſolve empowering the Supreme Judicial Court, to take cognizance of appeals from the Court of Common Pleas, in certain caſes. *November 17, 1786.*

Whereas by an act of this Commonwealth, entitled, "An act for encouraging the manufacture of loaf-fugar, in this Commonwealth," made and paſſed on the thirtieth day of *November*, in the year of our Lord, ſeventeen hundred and eighty-five, it is enacted, "That all forfeitures and penalties incurred by this, or any other act, for the encouragement of the commerce, navigation and manufactures of this Commonwealth, ſhall be recovered by libel, complaint, action of debt or the caſe, before any Court of Common Pleas, within the county where ſuch ſeizure ſhall be made, as the nature and circumſtances of the caſe ſhall require." And whereas no appeals by the ſaid law are provided for, from ſuch judgments of ſaid Court of Common Pleas, to the Supreme Judicial Court :

Reſolved, That from all judgments which hereafter may be made and paſſed by any Courts of Common Pleas, within this Commonwealth, upon any libel, complaint, action of debt or the caſe, inſtituted before them, purſuant to the ſtatute aforeſaid, for any forfeiture or penalty incurred as aforeſaid, an appeal may be had to the Supreme Judicial Court, next to be holden in the county wherein judgment before the Courts of Common Pleas may be had as aforeſaid.

And whereas appeals are now pending at the Supreme Judicial Court from judgments made and paſſed by the Courts of Common Pleas, purſuant to the ſtatute aforeſaid :

Reſolved, That in ſuch caſes, the ſaid Supreme Judicial Court are hereby authorized, empowered and directed, to take cognizance of, and ſuſtain ſaid appeals, and to proceed thereon to final judgment and execution, as in other cauſes, of which by law they now have cognizance by appeal, any law to the contrary notwithstanding.

CXIII.

Reſolve for receiving ſalt-petre manufactured in this Commonwealth in payment of taxes. *November 17, 1786.*

Reſolved, That good merchantable ſalt-petre that ſhall be manufactured in this Commonwealth, by any inhabitant thereof, ſhall be received in payment of any of the ſpecie taxes granted before the year 1784, at any of the ſtores,

stores, which by an act passed the present session are ordered to be appointed and kept, for receiving specific articles in payment for those taxes; and *two shillings and four pence* shall be allowed for every pound of such salt-petre so manufactured, a certificate being produced from the Selectmen of the town, or the Committee of the plantation where such salt-petre was manufactured, that the same was manufactured therein.

CXIV.

Resolve directing the Treasurer to borrow money to pay the Members of the General Court. *November 17, 1786.*

Resolved, That the Treasurer of this Commonwealth be, and he is hereby impowered and directed, to borrow a sum not exceeding *one thousand pounds*, which he is hereby directed to pay in proportion to the sums due to the Members of the Honourable Council, and of the General Court, for their travel and attendance the present session; and the Treasurer aforesaid is further directed to repay the sum he may borrow in pursuance of the foregoing resolve; out of the money arising from the specie part of the tax granted in *March* last, for the use of government.

CXV.

Resolve on the petition of *Thomas Dennie*. *November 17, 1786.*

On the petition of *Thomas Dennie*, setting forth, that he has met with misfortune in trade, whereby he is rendered unable to pay the whole of his just debts, and his creditors having granted him a letter of licence on his delivering to them what property remained in his hand, and generously accepted the same in full:

Resolved, That the collector of Excise for the County of *Essex*, be, and he hereby is directed to receive of the petitioner, *sixty-five pounds*, L. M. in government securities, in full of the execution said Collector has obtained against him, he the said *Dennie*, paying the charge that has arisen on said suit.

CXVI.

Resolve on the petition of *Paul Thurston* and *Silas Rice*. *November 17, 1786.*

On the petition of *Paul Thurston* and *Silas Rice*, praying for liberty of re-entering their actions at the Court of Common Pleas in the county of *Middlesex*:

Resolved, That the petitioners notify *Silas Hodges* and *Amos Barrett*, or their attorney, *Jonathan Fay*, to shew cause, (if any they have) on the second Wednesday of the next sitting of the General Court, why the prayer of the

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said

said petition should not be granted, by serving the said *Silas* and *Amos*, or their said attorney, with an attested copy of their petition, and this order thereon, at least fourteen days before the said second Wednesday of the next sitting of the General Court, and that the executions of the said *Silas* and *Amos*, so far as they have not been levied or extended, in the mean time, be stayed.

CXVII.

Resolve on the petition of the town of *Pepperrel*. November 17, 1786.

On the petition of the inhabitants of the town of *Pepperrel*, in the county of *Middlesex*, setting forth, that in the year 1782, said town chose one *Samuel Gillson*, Constable, and committed to him two assessments of public taxes to collect, to the amount of *five hundred and forty pounds, eleven shillings and ten pence*, and that there still remains the sum of *two hundred and seventy pounds, five shillings and eleven pence*, which the said *Gillson* has not paid into the treasury of this Commonwealth, for which sum the Sheriff of said county, by execution from said Treasurer, apprehended the said *Gillson*, and committed him to goal, where he still remains unable to pay the same; that since the commitment of said *Gillson*, the Treasurer has issued his summonses to the town or *Pepperrel*, by the Sheriff, requiring them to pay the aforesaid sum of *two hundred and seventy pounds, five shillings and eleven pence*, or shew cause, why an execution shall not be issued against the Assessors, for the same: and the said town requesting the aid of this Court, to release them in the premises: Therefore

Resolved, That there be allowed to the town of *Pepperrel*, six months from the first day of *October*, 1786, to collect and pay in the aforesaid sum of *two hundred and seventy pounds, five shillings and eleven pence*, either in money or specific articles, agreeably to an act of the General Court, passed the present session; and the Treasurer is hereby ordered, to govern himself accordingly.

CXVIII.

Resolve on the petition of *Walter M'Farland*, in behalf of the town of *Hopkinton*. November 17, 1786.

On the petition of *Walter M'Farland*, in behalf of the town of *Hopkinton*, praying that an execution, now in the hands of the Sheriff of the county of *Middlesex*, issued by the Treasurer of this Commonwealth, for a sum of money, which he finds to be due on Treasurer *Gray's* books, for some old arrearages, may be stayed, for reasons set forth in his petition:

Resolved, That the Sheriff of the county of *Middlesex*, be, and he hereby is directed, to stay any further proceedings on the execution issued by said Treasurer as aforesaid, until the next sitting of the General Court.

Resolve

CXIX.

Resolve directing the Judge of Probate for the county of *Worcester*, to revise the settlement of the estate of *Timothy Ruggles*, an absentee. November 17, 1786.

On the petition of *Artemas How*, representing, that in the distribution of the estate of *Timothy Ruggles*, Esq; late of *Hardwick*, an absentee, some of the creditors received the whole of their claims on the said estate, when it since appears, the said estate is insolvent: Therefore

Resolved, That the Judge of Probate for the county of *Worcester*, be, and he is hereby authorized and directed, to revise the settlement and distribution of the said estate, and make the true average, and to demand of all creditors, who have received more than their due proportion of the said estate, the surplus so received; and order distribution agreeably to the law in that case made and provided.

CXX.

Resolve on the representation of the Hon. *Nathan Dane*, Esq;—as one of the Committee, on the sale of lands in the county of *Lincoln*. November 17, 1786.

The Committee of both Houses, to whom was committed the memorial of the Honourable Mr. *Dane*, and the account accompanying the same, have attended that service, and take leave to report:—

That the accounts of Mr. *Dane*, for monies received, and services performed as one of the Committee for the sale of unappropriated lands in the county of *Lincoln*, be referred to that Committee for examination, and to report such an allowance for his services in said department, as he is intitled to receive from this Commonwealth.

CXXI.

Resolve extending the time for issuing alias executions. November 17, 1786.

Resolved, That the time, in which the Treasurer of this Commonwealth, may issue alias executions, in the usual manner, without the special direction of the Governour and Council, against any deficient Constable or Collector, for any sum due on the first moiety of the Continental tax, or for any tax granted before that period, be, and hereby is extended to the first day of *March* next, any resolve to the contrary notwithstanding.

CXXII.

Resolve allowing the account of *David Morey*, and others. November 17, 1786.

Resolved,

Resolved, That there be paid out of the public Treasury, to *David Morey*, the sum of *four pounds seventeen shillings and two pence half-penny*, in full for the service of himself and four others, in engrossing several bills, out of the common season for doing business.

CXXIII.

Resolve making an establishment for the Comptroller-General. *November 17, 1786.*

Resolved, That there shall be allowed to the Comptroller-General, who may be chosen, for his services in the execution of the duties of his office, *one third per cent.* on all monies which may be paid into the Treasury of this Commonwealth, by virtue of the laws laying duties of impost and excise, passed the present session of the General Court, during the time for which he is chosen and may serve, and that the Treasurer be, and he hereby is directed to govern himself accordingly.

CXXIV.

Resolve granting *eighty pounds* to *Mrs. Hannab Thomas*, keeper of the light-house, at the Gurnet, and assistants, and establishing her salary. *November 17, 1786.*

Resolved, That there be allowed and paid out of the public Treasury of this Commonwealth, to *Hannab Thomas*, keeper of the light-house on the Gurnet, at the entrance of *Plymouth* harbour, for herself and such assistance as she shall procure, *eighty pounds*; per annum, from and after the tenth day of *September* last.

And it is further *Resolved*, That there be paid out of the public Treasury, to the said *Hannab Thomas*, *eighty pounds*, in full for her service and assistance, prior to the tenth day of *September* aforesaid.

CXXV.

Resolve on the petition of the town of *Coxhall*. *November 17, 1786.*

Whereas it appears to this Court, from the representation of the inhabitants of the town of *Coxhall*, that the said town were, in 1779, assessed the sum of *one hundred and three pounds seven shillings and ten pence*, while the major part of the said inhabitants belonged to the town of *Sanford*, and were taxed to that town for their polls and estates. And whereas it appears, that the said town of *Coxhall*, have paid *fifty-one pounds eleven shillings and eight pence*, in part of their beef-taxes, although they are not credited therefor; and it appearing reasonable that the said town of *Coxhall* should be abated part of the taxes now remaining due:

Therefore *Resolved*, That the said town of *Coxhall* be credited the aforesaid sum of *fifty-one pounds eleven shillings and eight pence*, part of their beef-taxes,

taxes, and also the other aforesaid sum of *one hundred and three pounds seven shillings and ten pence*, assessed upon the said town, while the major part of the inhabitants belonged to the town of *Sandford*, as aforesaid.

And that the said town of *Coxhall*, be, and they hereby are abated the residue of their beef-taxes, being the sum of *forty-one pounds five shillings and eight pence*, and the sum of *one hundred and eighty pounds fifteen shillings and nine pence*, out of the other taxes remaining due from the said town; and the Treasurer is hereby directed to govern himself accordingly.

CXXVI.

Resolve empowering the Governour and Council to augment the garrison at *Castle-Island*, as occasion may require, and making establishment for fifteen men ordered there, by the Governour and Council. *November 17, 1786.*

Resolved, That his Excellency the Governour, with advice of Council, be, and he is hereby authorized to make such augmentation of men, from time to time, at *Castle-Island*, as will be necessary for securing the convicts, and safety of the garrison.

Resolved, That the fifteen men, ordered on the garrison at *Castle-Island*, be paid in the same manner, as the other men of the garrison are, cloathing excepted.

CXXVII.

Resolve directing the Commissary-General, to call on the Selectmen of the several towns, and others, for warlike stores, &c. belonging to this Commonwealth. *November 17, 1786.*

Whereas it is represented to this Court, that there is lodged in the hands of the Selectmen of the several towns in this Commonwealth, a number of axes, spades, shovels and pick-axes; also a quantity of sulphur and niter, and a number of iron-cannon and carriages, and sundry other articles, the property of this Commonwealth, which are deposited in sundry places, and under no particular inspection of any proper officer:

Therefore *Resolved*, That the Commissary-General be, and he is hereby directed to call on the Selectmen of the several towns in this Commonwealth, and such other persons as have any knowledge where any such tools or warlike stores, or any other articles, the property of this Commonwealth, are deposited, to make return to him of all such tools, warlike stores and carriages, and all other articles, the property of this Commonwealth, on or before the 20th day of *February* next; and in any town where such tools or other articles, which have been procured, at the expence of this Commonwealth, have been sold, and the proceeds thereof, have not been paid into the Treasury, the Selectmen of such town are hereby required, without delay,

to render to the Treasurer, an account, under oath, of all monies received for the sale of such tools or other articles; and that the Commissary-General be directed to make a return of all such articles and stores, of every kind, as he shall come to the knowledge of, to the General Court, as soon as may be, for their further consideration.

And be it further *Resolved*, That the Secretary be directed to cause this resolve to be printed in *Adams and Nourse's* news-paper, and such other news-papers as he shall judge will give information to the several towns in this Commonwealth.

CXXVIII.

Resolve allowing fundry accounts. (Roll No. I.) November 17, 1786.

The Committee on accounts, having examined the accounts of the several persons, whose names are borne upon the following roll, with the vouchers accompanying the same, ask leave to report as their opinion, that there are due to the persons named in said roll, the sums set against their names respectively, which sums, if allowed, ought to be considered as a full discharge of said accounts.

JOSEPH HOSMER, per Order.

To <i>Simon Stow</i> , of <i>Marlborough</i> , Agent to the estate of <i>Henry Barnes</i> , Esq; as appears by the account settled with the Judge of Probate in that county, and two days allowance for his journey and expences to <i>Boston</i> , at seven shillings per day,	£. 99 9 11
N. B. Said <i>Stow</i> , has in his hands eleven hundred and twenty-one dollars, old paper money.	
To <i>Sarah Hill</i> , of <i>Cambridge</i> , for boarding, &c. <i>Samuel Austin</i> , an aged man, and one of the poor of <i>Charlestown</i> , to the first of <i>October</i> , 1786,	34 8 6
To <i>John Smith</i> , of <i>Lexington</i> , for boarding and nursing <i>Sarah Fowl</i> , one of the poor of <i>Charlestown</i> , to the first of <i>April</i> , 1786,	5 3 6
To the Selectmen of <i>Uxbridge</i> , for boarding, cloathing, &c. <i>Betty Trifle</i> , one of the State's poor, to the 26th of <i>September</i> , 1786, being insane, and very troublesome,	46 16 0
To the Overseers of the poor of <i>Middleborough</i> , for supporting <i>Christiana Grant</i> and Daughter, of the State's poor, for six weeks, at five shillings a week,	3 0 0
To the Selectmen and Overseers of the town of <i>Charlestown</i> , for boarding and supplying a very large number of the poor of said town, to <i>July 1</i> , 1786, as per account,	308 7 8
To another account from the same persons, and for the same purposes, to the 1st of <i>October</i> , 1786, having deducted a mistake in the casting,	147 17 10
	To

To <i>Edward Blanchard</i> , for his service for the Commonwealth,	£. 0 12 0
To the Honourable <i>Cotton Tufts</i> , Esq; for his service in the last recess of the General Court, as per account,	3 7 6
To the Selectmen of <i>Acton</i> , for supporting <i>John Kennedy</i> , one of the State's poor, to the 13th <i>September</i> , 1786;	9 7 0
To <i>Joseph Barrett</i> , of <i>Malden</i> , for supporting <i>Alice Woodwill</i> , one of the poor of <i>Charlestown</i> , to the 4th of <i>September</i> , 1786;	15 12 0
To <i>Caleb Manning</i> , for supporting <i>Elizabeth Sweetser</i> , one of the poor of <i>Charlestown</i> , to the 26th of <i>October</i> , 1786,	13 10 0
To the Selectmen of <i>Georgetown</i> , for supplies afforded to the Commonwealth, for the use of the army, charged in two accounts in the year 1781,	32 18 4
To <i>John Bradford</i> , of <i>Woburn</i> , for keeping <i>Mary Shute</i> , one of the State's poor, to the 17th of <i>September</i> , 1786.	11 0 0
To <i>Amos Hyde</i> of <i>Newton</i> , for boarding and nursing <i>Thomas Lawrence</i> , one of the State's poor, whose circumstances were peculiarly difficult, and who died at his house, and was buried,	4 4 0
To <i>James Kittle</i> , for boarding <i>Sarah Call</i> ; one of the poor of <i>Charlestown</i> , to <i>November 8</i> , 1786,	9 18 0
To <i>Josiah Bartlett's</i> account, as a Physician for taking care of the <i>Charlestown</i> poor, examined by Dr <i>Tufts</i> ;	26 4 2
To <i>Adams and Nourse's</i> account, to the 14th of <i>September</i> , 1786, including all printing done by them for the Commonwealth, to this date,	361 11 5
To <i>John Ausin's</i> account, one of the poor of <i>Charlestown</i> , for himself and wife, to the 8th of <i>November</i> , 1786; one <i>six pounds</i> , and the other <i>twelve pounds</i> ,	18 0 0
To the Selectmen of <i>Weston</i> , for boarding <i>Joseph Breed</i> ; his wife and daughter, poor of <i>Charlestown</i> ; to <i>November 4</i> , 1786;	34 6 6
To the Selectmen of <i>Mendon</i> , for supporting <i>James Thompson</i> , <i>Elizabeth Smith</i> , and her child, the former to the first of <i>September</i> , 1786, and the other to the 27th of <i>June</i> 1786,	11 17 6
	<hr/>
	£. 1197 11 10

Read and accepted, and thereupon *Resolved*, That there be allowed and paid to the persons named in the foregoing roll, No. 1, the sums which thereon appear to be due to them respectively, amounting in the whole, to *one thousand and ninety-eight pounds, one shillings and eleven pence*: and the

the Governour, with the advice of Council, is requested to draw his warrant therefor.

Read and *Ordered*, That the consideration of *Simon Stow's* account, be referred to the next session of the General Court.

CXXIX.

Resolve continuing Naval-Officers and Collectors of Excise in office, till further order. *November 17, 1786.*

Resolved, That the several Naval-Officers and Collectors of Impost and Excise duties, now in office, continue to exercise the same, until others shall be appointed in their room and stead, and the several officers aforesaid, are hereby empowered to discharge and perform all the duties enjoined or required by law, of such officers respectively, any act or acts passed the present session of the General Court, to the contrary notwithstanding.

CXXX.

Resolve discharging the Administrator on the estate of the late Treasurer *Gardner's* estate, and granting him *one thousand two hundred and eighty-four pounds, eighteen shillings and six pence*, in full of the balance of his accounts. *November 17, 1786.*

Whereas by a resolve of the General Court, passed the 23d of *March 1786*, it was ordered, " That there be allowed and paid out of the public Treasury of this Commonwealth, to Doctor *Joseph Gardner*, Administrator on the estate of *Henry Gardner*, Esq; late Treasurer and Receiver-General of this Commonwealth, the sum of *two thousand five hundred and twelve pounds, one shilling and eight pence one farthing*, in full discharge of all demands of the said Administrator, in his capacity, against this Commonwealth, for salary and all disbursements, including the sum of *twelve hundred pounds*, on account of *John Furness*, Esq; late principal Clerk in the office of the said late Treasurer : And that a further sum of *five hundred and eighteen pounds, three shillings and six pence*, be allowed and paid out of the said Treasury, to the said Administrator, in full for the interest for the first afore-mentioned sum, from the eighth day of *October, 1782*, to the sixteenth of *March, 1786* ;" and by the aforesaid resolve, it was provided, that one half of the aforesaid sums should remain in the Treasury of this Commonwealth, six months after passing the said resolve, as a security against any demands that might be made for monies due on rolls, due-bills, or any other account whatever, or securities which the said Treasurer or the said *Furness* received ; or for which the said Treasurer has been credited, and which have not been accounted for : And whereas the aforesaid term of six months has expired, several months since, and all the due-bills and other demands that have been exhibited to the Treasurer for payment, amount in the whole to the sum of *two hundred and thirty pounds, four shillings and one*

one penny, only; so that it appears there is a balance still due to the said Administrator, of the sum of *twelve hundred and eighty-four pounds, eighteen shillings and six pence.*

Therefore *Resolved*, That there be allowed and paid out of the public Treasury of this Commonwealth, to the aforesaid Administrator, the aforesaid sum of *twelve hundred and eighty-four pounds eighteen shillings and six pence*, in full discharge of the balance aforesaid.

And whereas by a paragraph of the afore-recited resolve, it is provided, that the said Administrator is holden to repay to the Treasurer of this Commonwealth, all such sums of money as shall appear to be due on any demands which should be exhibited any time hereafter—which appears to be unreasonable :

Therefore *Resolved*, That the said Administrator be, and he hereby is discharged from any further demands of this Commonwealth, in his said capacity, the said resolve of the 23d of *March 1786*, notwithstanding.

CXXXI.

Resolve requesting the Governour and Council, to order the Secretary to publish such acts and resolves of the present session, as they shall think necessary. *November 17, 1786.*

Resolved, That his Excellency the Governour be, and he is hereby requested, to give orders to the Secretary, to publish in some of the newspapers, such acts and resolves of the General Court, as he with advice of Council, shall think necessary for the information of the people.

CXXXII.

Report of the Committee for encouragement of Manufactures, &c. in this Commonwealth. *November 17, 1786.*

The Committee of both Houses, appointed to consider what further measures are necessary to be taken, to encourage our own manufactures, and discourage the use of imported articles of luxury, have taken the subject under consideration, and from a view of our unhappy state and circumstances, are constrained to observe, that a remissness and inattention to the fundamental principles, on which the wealth, happiness, and prosperity of a people depend, have in a greater or less degree pervaded the community, and produced evils that now threaten us with ruin.

Our ancestors, who settled this fertile country, from which the materials for trade and commerce, the means of defence, and of the necessities, and conveniences of life, may be amply furnished, derived their birth and language from a nation, whose religion they imbibed, whose laws were interwoven with their own, and to whose government they, and their descendants were for a long time subject; from whence affection and veneration ensued, naturally leading to an adoption of their prejudices, passions and manners.

From a constant commercial intercourse with that nation, and an extensive credit given by her merchants, to multitudes here, by means of which debts to an enormous amount have arisen,—an unrestrained use of her superfluities and luxuries, with a neglect and contempt of our own manufactures and productions, with which it has been her interest to inspire us, have unhappily followed: these have been accompanied with a declension of manners, and an imitation of her extravagances, follies and vices, all which have produced a *dependence of mind*, that has, to the no small injury of our manufactures, commerce, and political interests, survived even the dissolution of our civil connection.

The seeds of luxury, which had sprung up before the late revolution, although at its beginning, and for some time after, they received a check from the virtuous resolutions of the people, yet too soon they revived and acquired new vigour,—an immense quantity of paper money coming into circulation, and constantly sinking in its value, proved a strong temptation to its possessors, to part with it for any thing, even for luxuries, joined with a profusion of luxurious articles introduced by numerous captives in the late war, contributed greatly to produce a stile of dress and living, unknown to our ancestors, and otherwise hardly to be accounted for in a state of war. A vitiated taste acquired, found on the arrival of peace, full scope for indulgence: new modes, fashions, and articles of luxury, poured in from foreign nations: an enthusiasm for these prevailed, and the contagion at length became general.

If at this time the country abounded in specie, to an amount unknown in any period before, the amount also of its debt contracted in the late war, and that of individuals, was greater than at any period before; these called for economy and the application of the specie, to the discharge of them; but the predominant passion for shew and luxury, over-leaped the bounds of temperance and moderation, and stifled the voice of justice:—The specie could no longer be confined, it broke from its enclosure, and fled into distant lands; from whence we can never expect its return, but by adopting and persevering in a system, the reverse of that we have pursued: and we are left to lament the loss of our reputation, of public and private credit, of an ability to discharge public and private contracts, and to suffer a train of evils, the woeful effects of a remissness and inattention to, or departure from the great principles that tend to the glory and happiness of a people.

From all which it appears, that we have this alternative before us,—to submit to ruin inevitable; or resolve on a reformation immediate and universal.

Your Committee are therefore of opinion, that it is highly important, that the General Court should make a serious and determined exertions, by example and advice, to inspire a due regard to our own manufactures; to the fruits of our own industry, and the efforts of our own genius, and at the same time to discourage the importation and use of foreign superfluities; and all articles that tend to an excess in our expences, or interfere with our national

tional interest, or the particular interest of this Commonwealth, and at the same time earnestly to recommend to the people at large, including all orders, ages, sexes, and conditions, to give substantial evidence of friendship to their country, by uniting in so necessary an exertion.

Read and accepted.

CXXXIII.

Resolve directing the Treasurer to borrow money, for the Delegates appointed to represent this State in Congress, the present year. *November 17, 1786.*

Resolved, That the Treasurer of this Commonwealth, be, and he hereby is directed to borrow a sum, not exceeding *two thousand pounds*, for the purpose of paying the Delegates, who represented this State in Congress, for their services the year past, and to enable him to make such advances as are directed to be made to the Delegates in Congress, the current year, and to repay the same out of the first monies which may come into the Treasury, from the specie part of the tax granted in *March* last, and appropriated for the defraying the necessary expences of government not already engaged, and out of the third part of the revenue, which may arise from the duties of impost and excise, by virtue of the acts passed the present session, and is reserved for the disposal of government.

CXXXIV.

Resolve on the petition of *Gardner Gray*. *November 17, 1786.*

On the petition of *Gardner Gray*, setting forth that he is now under sentence of death, for the crime of burglary; and praying that his punishment may be commuted, as this is the first offence he has ever been charged with:

Whereas it appears to this Court, that the said *Gardner Gray*, prior to his committing the crime aforesaid, had been distinguished for the sobriety of his manners and exemplary conduct, and had in no instance discovered a mind so abandoned to vice as to render his punishment by death, necessary for the safety of the community: And whereas it is a dictate of justice as well as of good policy to make distinctions between offenders, agreeably to the degree of their guilt, and to extend mercy to young persons, who are not so totally depraved as to become incorrigible:

Therefore *Resolved,* That the punishment of the said *Gardner Gray*, be, and it is hereby commuted; and that instead of his being punished with death, conformably to the sentence pronounced against him, he be confined to hard labour on *Castle-Island*, for the space of three years; and that his Excellency the Governour, be, and he is hereby authorized, by and with the advice and consent of Council, to revoke and nullify the warrant for the execution of the said *Gardner Gray*, and to issue a warrant directed to the several Sheriffs of the counties of *Bristol* and *Suffolk*, to remove the said *Gardner Gray* to *Castle-Island*, as aforesaid. And

And it is further *Resolved*, That if the said *Gardner Gray*, shall escape from his confinement on *Castle-Island*, within the said term of three years, and be afterwards apprehended, he shall suffer death agreeably to the sentence aforesaid.

CXXXV.

Resolve confirming a grant of land to *David Marsh* and others, conditionally.
November 17, 1786.

The Committee on the subject of unappropriated lands in the county of *Lincoln*, when they made their report on the 17th of *March*, 1785, on the petition of *Enoch Dartlet* and others, praying for the confirmation of six townships, lying between *Pembiscot-River*, and *Union-River*, which were conditionally granted to *David Marsh* and others, on the second day of *March*, 1762, omitted to report respecting the township No. 3, commonly called *Majabigwaduce*, for reasons therein set forth; but having since examined into the state of the said township, so far as circumstances would permit, now take leave to report,

That in their opinion, it will be expedient to confirm to the said *Marsh* and others, the said township, No. 3, on the conditions contained in the following articles:

First, That the proprietors heretofore known, as proprietors of the said township, or as holding under *David Marsh* and others, do grant, allot and meet out one hundred acres of land, unto each settler on the said township, his heirs or assigns, who before the first day of *January*, 1784, settled thereon, and made separate improvement,—the same to be laid out in one lot, in such manner, as best to include his improvements. And where any original settler has sold, or otherwise disposed of his improvements to any other person; the purchaser of such improvements, his heirs and assigns, shall hold the same lands, which such original settler would have held, by virtue of this article, if there had been no such sale or disposition.

Secondly, That in like manner, there be allotted and meeted out unto each proprietor, his heirs or assigns, who before the first day of *January*, 1784, settled thereon, and made a separate improvement, two hundred acres of land, one hundred acres of which to be in consideration of his being a settler; the same to be laid out in such manner, as best to include his improvements.

Thirdly, That in the said township, there be allotted, reserved and appropriated four lots of land of three hundred acres each, in situation and quality equal in general to the lots in the division, for the following purposes, *viz.* One lot for the first settled minister, his heirs and assigns; one for the use of the ministry; one to, and for the future appropriation of government; and one for the use of a school forever.

Fourthly, That each settler mentioned in article first, his heirs or assigns, who has not already done it, shall within five years, build a house, not less than eighteen feet square, and seven feet stud; and clear, and cultivate five acres

acres of land fit for mowing or tillage, and pay within six months, into the treasury of the propriety of the said township, *thirty shillings*, to be appropriated to defray the expence of surveying and dividing the said township, and laying out, clearing and repairing of roads within the same.

Fifthly, That where a settler has made improvement, by clearing or inclosing with a good fence, more than one hundred acres, he shall have the liberty to purchase the lands so improved, at a reasonable price; estimating the same, as if in a state of nature; or to receive of the proprietor or proprietors of such land, a reasonable allowance for extra improvements, at the settler's election: and in case of any disagreement about the said price, or allowance, or any other matter relating to a settlement, that the same be decided by disinterested men, one of whom shall be chosen by the proprietor or proprietors, one by the settler; (and in case they cannot agree) the third by the two chosen as aforesaid.

Sixthly, That after the allotments to the settlers, resident proprietors, and for public uses, are made as aforesaid, the residue and remainder of the said lands shall be divided to; and among the proprietors heretofore known as the proprietors of the said township, or as holding under *David Marsh* and others; to whom the said township was conditionally granted, their heirs or assigns, in proportion to the respective shares or rights, held in the original division of the said town.

Seventhly, That the division and allotments in the said township, be made conformably to the foregoing articles, within the space of twelve months from this time; and a return thereof be made, on or before the expiration of the said term of time, to the Committee on the subject of unappropriated lands in the county of *Lincoln*; specifying and describing therein the lots,—number of each, names of the persons to whom allotted; and those for public uses, under their particular heads. And if it shall appear by the said return, that a quantity of land exceeding six thousand acres, has been allotted, meeted and assigned by the said proprietors, to that class of settlers included in article first, and by virtue of the same, in manner aforesaid,—then there shall be granted and conveyed to the said proprietors, their heirs and assigns, in some part of the township *Number Seven*, in the first division of townships, east of *Penobscot-River*, adjoining southerly on the township *Number Six*, of the same division in part, and partly on township *Number One* of the second division of townships, and lying on both sides of *Union-River*, so many acres, as shall be equal to the quantity of land above six thousand acres, which shall be allotted and assigned to the settlers as aforesaid.

Eighthly, If no return be made to the said Committee; as required in the preceding article, the said Committee shall appoint, and they are hereby accordingly empowered, to appoint three disinterested persons, as Commissioners to repair to the said township, to make the division and return required, and allot and divide the same, conformably to the articles one, two and three, and make return thereof to the said Committee, conformably to the seventh article; and the said Commissioners shall, six weeks at least before they proceed on the said business, give public notice, in *Adams* and

Nourse's Independent Chronicle, the *Portland* newspaper, and by a written notification, posted up in some convenient place in the said township, of their appointment, and of the time when they shall proceed on the said business, that all persons interested therein, may be apprized thereof: and the lots the said Commissioners shall lay out to the resident proprietors and settlers, as provided for in articles first and second, shall be confirmed unto them, and the remaining lots shall be subject to the order and disposal of the General Court: and the expence arising from the said appointment of Commissioners, shall be defrayed by the resident proprietors and settlers of the said township, provided they have prevented or obstructed the division as provided for in articles second, third and sixth; otherwise, so much of the remainder of the lands (after allotments and divisions made to the resident proprietors, settlers, and for public uses as aforesaid) shall be sold by the said Committee, as shall be sufficient to defray the said expence.

Ninthly, That notwithstanding the conditions and regulations contained in the foregoing articles, if the proprietors and settlers of the said township, shall agree among themselves, and settle all matters in dispute, relating to the quantities of land respectively, to be held and retained by them, and such other matters and things, as immediately respect the settlement of the said lands, and make a report of the same to the said Committee, within six months from this time, with the names of the settlers and proprietors, resident and non-resident, the quantity allotted to each, and the right reserved for public uses, conformably to article third, in such case the said Committee shall have full authority to confirm the said township: but in case no report shall be made as aforesaid, to the said Committee, nor return as in the seventh article is required, the said Committee shall appoint Commissioners, as provided for in the eighth article (twelve months having been expired, as mentioned in the said seventh article) who shall proceed on their business as pointed out in the said eighth article.

Tenthly, It shall be understood, notwithstanding any thing contained in the foregoing articles, that the final confirmation of the said township, shall not be made until there be in the said town, sixty dwelling-houses, not less than eighteen feet square, and seven feet stud; sixty Protestant families, and also five acres of land cleared on each share, fit for mowing and tillage; also a meeting-house for the public worship of God,—and until the proprietors and settlers of the said township, shall have settled a learned and Protestant minister;—and provided for his comfortable support,—for which purposes, five years shall be allowed.

Boston, November 4, 1786. SAMUEL PHILLIPS, jun. } Committee.
NATANIEL WELLS, }
JOHN BROOKS, }

Read and accepted, and thereupon *Resolved*, That the township No. 3, commonly called *Majorbigwaduce*, conditionally granted to *David Marsh* and others, on the second of *March*, one thousand seven hundred and sixty-two, be, and it is hereby confirmed to the said *Marsh* and others, on the conditions, and with the reservations which in the foregoing report are specified.

Resolve

CXXXVI.

Resolve on the petition of *John Lane*, and *Joseph Henderson*. November 17, 1786.

Whereas a certain house and land in Marlborough-Street, in *Boston*, now in the occupation of *John Deming*, and a tract of land lying in the town of *Walpole*, containing about fourteen acres, appear by the records in the Register's-office for the county of *Suffolk*, to be the property of *John Erving*, late of *Boston*, an absentee, whose real estate in this State is confiscated by an act of the General Court, passed the thirtieth day of *April* 1779, but by an instrument signed by said *Erving*, dated twenty-ninth of *June* 1771, it appears that the said *Erving*, held said house and land, with other real estate therein expressed, in trust for *Thomas Lane*, *John Lane* and *Thomas Frazier*, who were interested in said estate, *four hundred and seventy-five pounds, fifteen shillings*; and for *Henderson Inches*, agent for *John Henderson*, who was interested in said estate, *seventy-two pounds, twelve shillings and eight pence*; and he the said *Erving*, being interested in the same estate, *one hundred and twenty-five pounds, fifteen shillings*, each of the parties intitled to their proportion of the incomes from said estate, and the net proceeds of the sales, whenever the same should be sold:

Therefore Resolved, That the Committee for selling absentees estates, in the county of *Suffolk*, be, and they are hereby authorized and directed, to make sale of the said house and land, in *Boston* and *Walpole*, at public auction, for specie only, on or before the first day of *December* next, and pay to the said *John Lane*, in behalf of himself and *Thomas Frazier*, surviving partner of *Thomas Lane*; and to *Joseph Henderson*, in behalf of himself and sisters, heirs of the said *John Henderson*, deceased, in the proportion aforementioned, and the residue into the Treasury of this Commonwealth, for the use of government,

CXXXVII.

Resolve adjourning the Courts of General Sessions and Court of Common Pleas, for the county of *Bristol*. November 17, 1786.

Whereas the Courts of Common Pleas and General Sessions of the Peace, holden at *Taunton*, within and for the county of *Bristol*, on the second Tuesday of *September* last, now stands adjourned to the second Tuesday of *December* next,—and Thursday in the same week, is appointed to be observed as a day of Thanksgiving, which will render it inconvenient for the Justices of the same Courts, and all others concerned therein, to attend the same Courts at the time to which they stand adjourned.

Resolved, That the same Court of General Sessions of the Peace, and all matters and things now pending, or that may be pending therein, be, and hereby are adjourning unto the third Tuesday of the same month of *December*, then to be held at *Taunton*, within, and for the county of *Bristol*.

And

And it is further *Resolved*, That all matters and things now pending in the said Court of Common Pleas, be, and hereby are continued to the Court of Common Pleas, to be holden at *Taunton*, within and for the county of *Bristol*, on the third Tuesday of the same month of *December*, and may be taken up, and proceeded upon, at the same Court, in the same manner as though the same had been continued to that time, by order of the Justices of the same Court; and that all complaints for not prosecuting appeals, which might be entered at the said Court of Common Pleas, adjourned to the second Tuesday of *December*, as aforesaid, may be entered and proceeded upon at the said Court of Common Pleas, to be holden on the third Tuesday of *December*, as aforesaid, in the same manner as though the appeals had been made to the same Court; and the said Court of Common Pleas, that stands adjourned to the second Tuesday of *December* next, is hereby adjourned without day.—Of all which Jurors, parties, witnesses, and all others interested or concerned, are to take notice, and govern themselves accordingly.

CXXXVIII.

Resolve on the petition of *Abraham Pease*. November 17, 1786.

On the petition of *George Thatcher*, attorney to *Abraham Pease*, setting forth, that an action against said *Pease*, in favour of *Jonathan Parker*, jun. pending at the Court of Common Pleas, holden at *York*, in and for the county of *York*, in *July* last past, was by the petitioner's mistake, defaulted, whereby the said *Pease*, has been deprived of a trial at law which he intended, and is thereby unjustly held to pay a large sum of money, and praying that he might be restored to his law:

Resolved, That the prayer of the petition be so far granted, that the said *Pease*, give to the said *Parker*, notice of his petition aforesaid, that the said *Parker*, may appear on the second Wednesday of the next sessions of the General Court, and shew cause, (if any he has) why the prayer of it should not be granted, and in the mean time, that the judgment recovered upon the default of said *Pease*, be suspended, and no execution issue thereon: And

Resolved further, That the said *Parker*, be notified by the said *Pease*, by serving him with an attested copy of his petition, and this order thereon, fourteen days before the aforesaid second Wednesday of the next sessions of the General Court:

CXXXIX.

Resolve on the petition of *Joseph Dane*, November 17, 1786.

On the petition of *Joseph Dane*, now kept in goal for debt, after having taken the oath provided by law, praying that he may receive the sum or sums his creditor pays to the Goal-Keeper for his support, that he may therewith support himself:

Resolved,

Resolved, That the sum or sums which the law provides to be paid to the Goal-Keeper by creditors, for the support of any poor prisoner, whom they shall cause to be detained in goal, after they have taken the oath agreeably to law, shall be paid to the prisoner himself for his support, if he shall request it; any law to the contrary notwithstanding.

CXL.

Resolve directing the Secretary to have printed, the Militia Laws and the regulations for the militia, and directions to the Adjutant-General, relative to the disposition of them, &c. *November 17, 1786.*

Whereas it is of importance that the Officers of the Militia of this Commonwealth should have the means of acquainting themselves with their duty; and whereas for this purpose, it is essential that they be furnished with the Militia Laws, and the Regulations for the order and discipline of the Militia:

Resolved, That there be immediately printed, at the expence of this Commonwealth, such a number of the said Militia Laws and Regulations, for the order and discipline of the Militia, as will be sufficient to furnish every General Officer of said Militia, with one set of each; the Deputy-Adjutant-Generals with one set; the Brigade-Majors with one set; the Field-Officers of Regiments and Captains of Companies with one set; and the Adjutants of Regiments with one set of each.

Resolved, That when said Laws and Regulations, shall be published, they shall be delivered to the Adjutant-General, and distributed through the channel of his department, to the several officers who are by this resolve, entitled to receive them: and every officer who shall receive a set of the said Laws and Regulations, shall give a receipt therefor, and shall be obliged to transfer the same to his successors in office.

Resolved, That the Adjutant-General be, and he hereby is empowered, to procure at the expence of this Commonwealth, a suitable number of orderly books, and blank returns, and furnish the respective divisions, brigades, regiments and companies of the Militia, with the same, so far as shall be necessary for the regularly distributing and registering general and regimental orders, and for the making of returns.

And the Secretary is hereby directed, to cause the said Laws to be printed upon the best terms he can, provided the Printers of the General Court, shall not be able to perform that business.

CXLI.

Resolve on the petition of *Joseph Boyd*, granting him *eighty-one pounds eighteen shillings and one penny.* *November 18, 1786.*

On the petition of *Joseph Boyd*, praying for an allowance for twelve oxen, and certain expences, &c.

Resolved, That the prayer of said petition be so far granted, that there be allowed and paid out of the public treasury of this Commonwealth, the sum of *eighty-one pounds eighteen shillings and one penny*, to the said *Joseph Boyd*, being the amount of the balance due to him, for twelve oxen delivered to *Samuel Brown*, in *July 1779*, by order of General *Lovell*, for the use of the troops under his command, in the expedition against *Penobscot*, and in full for all his expences and demands.

CXLII.

Resolve on the petition of a number of proprietors of the town of *Washington*, granting them *thirty-four pounds sixteen shillings*. *November 18, 1786*.

On the petition of a number of the proprietors of the town of *Washington*:

Resolved, That there be paid out of the public treasury of this Commonwealth, to the proprietors of the said town of *Washington*, the sum of *thirty-four pounds sixteen shillings*, being the amount of outstanding taxes, assessed upon sundry lots of land, which belonged to *John Murray*, a conspirator, and have been sold for the use of this Commonwealth.

CXLIII.

Accounts, Roll No. 2, with resolve to pay sundry accounts. *November 18, 1786*.

The Committee of both Houses, appointed to examine accounts, ask leave to report the following roll, being No. 2, which if allowed, will be in full discharge of said accounts.

JOSEPH HOSMER, per order.

To <i>John W. Folsom</i> , for printing by order of the Secretary, as per account,	£.17	18	0	
To <i>Edes and Sons</i> , for ditto,	30	5	2	
To <i>Edward E. Powars</i> , for ditto,	62	3	4	
To <i>Thomas Downe</i> , for mending the chairs for the Senate Chamber, as per account;		1	19	6
	£.112	6	0	

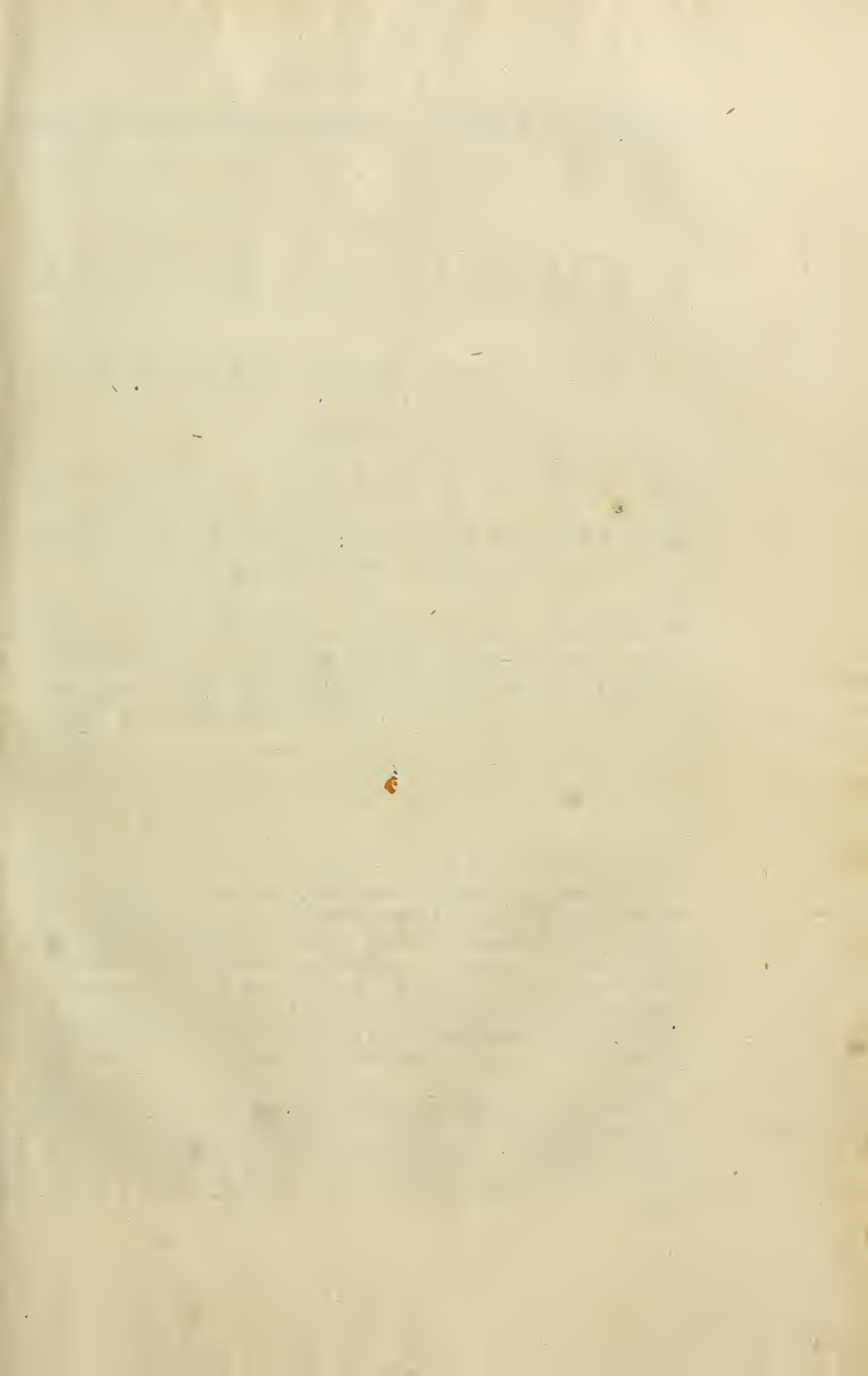
Read and accepted, and thereupon

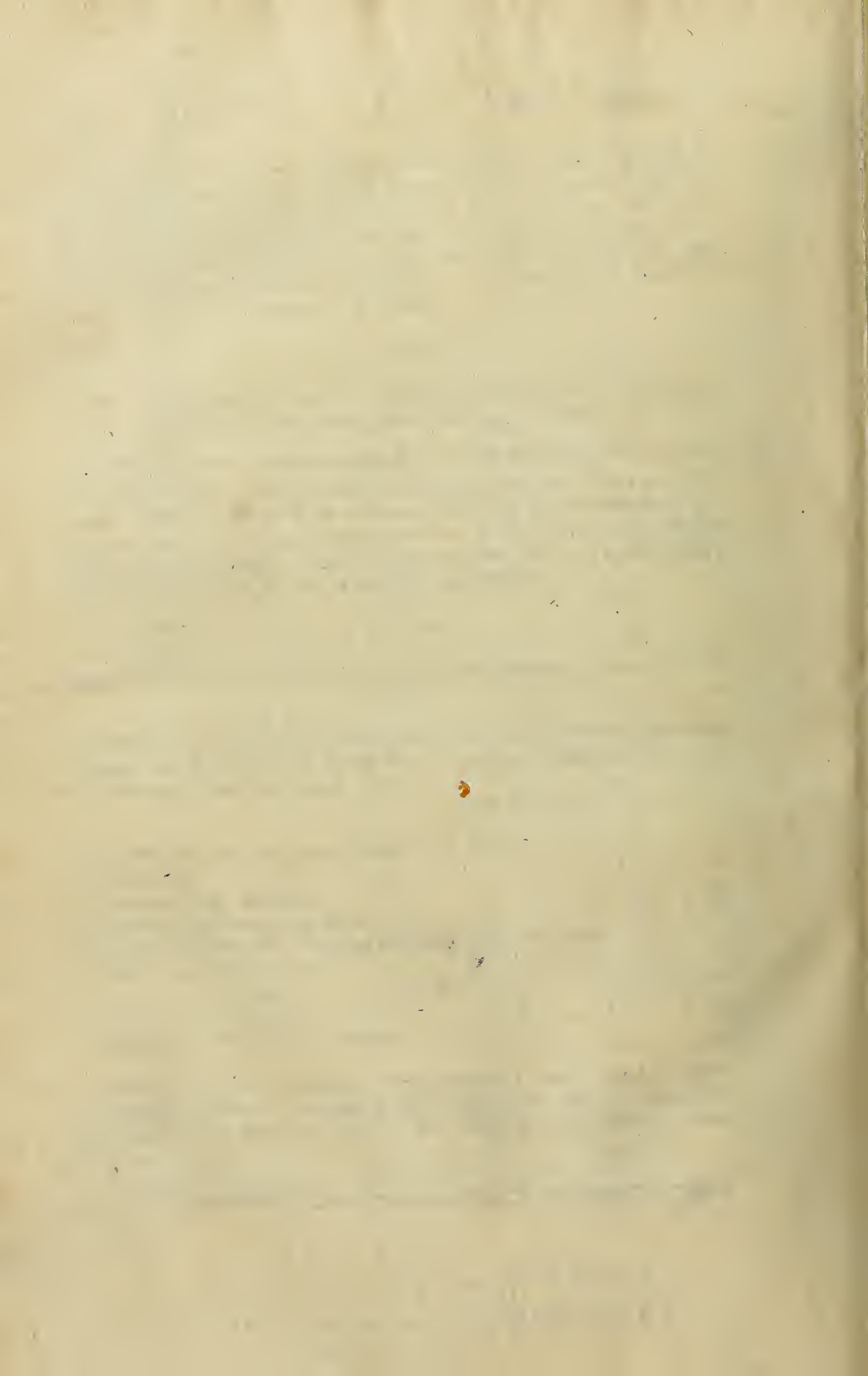
Resolved, That the Governour with advice of Council, be, and hereby is requested, to issue his warrant on the treasury, for the payment of the sums mentioned in the above roll, to the persons to whom they are severally due.

B O S T O N :

PRINTED BY ADAMS AND NOURSE,
PRINTERS TO THE HONORABLE GENERAL COURT.

M, D C C, L X X X V I.





R E S O L V E S
OF THE
G E N E R A L C O U R T
OF THE
C O M M O N W E A L T H
O F
M A S S A C H U S E T T S :

Together with the SPEECH and MESSAGES of his
Excellency the Governour to the said Court :

Begun and held at *Boston*, in the County of *Suffolk*, on
Wednesday the 31st Day of *May*, Anno Domini, 1786 ;
and from thence continued by Prorogation and Adjourn-
ment, to Wednesday the thirty-first Day of *January*,
1787.

S A T U R D A Y, *February 3, 1787.*

Wednesday, the 31st ult. was the day to which the Honourable the Ge-
neral Court, stood adjourned ; but there not appearing a sufficient num-
ber of Members to form a quorum of the House, the Court could not
proceed on business until this day ; when a Committee from the two
Branches of the Legislature waited upon his Excellency the Governour,
to acquaint him they were ready to receive any communications from
him. In consequence of which, his Excellency immediately proceeded
to the Senate-Chamber, where the Honourable Senate and the Honour-
able the House being convened, he addressed them in the following
Speech, viz.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,
I T was expected by the General Court, that their proceedings at their
last session, respecting the Insurgents, would have answered the purposes
for which they were intended. By those proceedings, there were held
forth

forth to them, punishment, on the one hand, and pardon on the other.— Punishment, in case of perseverance in their criminal conduct ; pardon and indemnity, if they desisted from it ; and by a given time, should take the oaths of allegiance. This application to their feelings, and to that actuating principle, a desire of personal safety, it was apprehended would have had a forcible influence to bring them to their duty. But unhappily, it did not produce any good effect, except upon a very few individuals of them. On the contrary, the lenity and forbearance of Government were treated with contempt, and imputed by them to an inability of defending itself : and some of your last Acts have been added to their list of grievances.

But the clearest and most unequivocal evidence of their perseverance, in opposition to Government, is deduced from their proceedings, respecting the Judicial Courts, in several of the Counties, since the last session of the General Court.—They twice, with an armed force, stopped these Courts in *Worcester* ; and would not suffer them to open in *Hampshire*. They attempted it, though unsuccessfully, in *Middlesex* ; and in consequence of that attempt, several of them were taken into custody by virtue of State warrants ; in the execution of which, the Sheriff and other persons to whom the warrants were directed, had the aid and support of a number of spirited gentlemen of that county and *Suffolk*.

At the last time of their assembling in *Worcester*, there were nearly a thousand of them in arms, who, to the great annoyance and terror of that vicinity, continued embodied for several days after the Court had adjourned : meditating, as it was apprehended, further outrages ; which were provisionally prevented by the continued storms of that week.

These violent and treasonable proceedings of the insurgents were perpetrated after the publication of the last Acts of the General Court respecting them ; and demonstrated, not only a total disregard of those Acts, and the authority by which they were enacted, but a contempt of all constitutional Government, and a fixed determination to persevere in measures for subverting it.

This determination, and these measures, were also manifested by their printed declarations ; and by some of the private transactions of their leaders ; when the main body of the insurgents were last assembled at *Worcester* : by which it appeared, the insurgents were formed into regiments, and that a committee was appointed for each regiment, to see that it should, without delay, be properly officered and equipped ; and compleatly ready whenever called upon.

That this was the state of things in the western counties, was further confirmed by letters I received from some of the most respectable characters in those counties ; and by the oral testimony of many intelligent persons from thence : who all agreed in the necessity of speedy and vigorous measures being taken, for the effectual suppression of the Insurgents : without which the well-affected might, from a principle of self-preservation, be obliged to join them ; and the insurrection become general.

The safety and well-being of the Commonwealth being thus in hazard, and the lenient, conciliating measures of the General Court, having been rejected by the Insurgents, I conceived myself under every obligation, of honor and duty, to exert the powers vested in me by Law and the Constitution, for the protection and defence of the Commonwealth, against the hostile and nefarious attempts of those lawless men.

Pursuant to this idea, I laid before the Council all the information and intelligence I had collected, relative to the proceedings and designs of those men: and the Council were unanimously of opinion, and accordingly advised, that vigorous and effectual measures should be taken to protect the Judicial Courts, particularly those, that were then to be next holden at *Worcester*; to aid the civil Magistrate in executing the laws; to repel all Insurgents against the government; and to apprehend all disturbers of the public peace: particularly such of them as might be named in any State warrant or warrants.

For these purposes, upon the effecting of which all good Government, and indeed the happy existence of the Commonwealth, do essentially depend, I have called forth from several counties, a respectable body of the Militia, the command of which I have given to Major-General *Lincoln*, with orders to carry those purposes into effectual execution.

Those orders are now in operation, and will be laid before you, with the general orders, containing the plan of measures by which the Commonwealth was to be defended against its present assailants.

I congratulate, you, Gentlemen, on the success of those measures hitherto, and hope it is a prelude to final success, and to the re-establishment of perfect tranquility. The dispatches concerning it, which I have received from General *Lincoln* and General *Shepard*, will be laid before you.

Thus, Gentlemen, from a principle of duty to the Commonwealth, and in conformity to your resolution of the 24th of *October*, in which you express a full confidence, "that I will still persevere in the exercise of such powers as are vested in me by the Constitution, for preventing any attempts to interrupt the administration of law and justice, and for enforcing due obedience to the authority and laws of Government," I have taken the measures above represented. I trust they will meet with your entire approbation, and with *that* support, which is naturally to be expected from the guardians of the public safety.

On my part, I have done, in this business, what the duty of my office, and the oath of qualification, indispensably require: and I have the fullest confidence, that on your part, nothing will be wanting to carry into complete effect, the measures that have been taken, or that may be further necessary, to suppress the present insurrection; and to ensure a strict obedience to the laws. This is so essential to the peace and safety of the Commonwealth, that it requires your immediate attention; and the speedy application of further means, if those already taken should be deemed insufficient,

for

for that purpose. Among those means, you may deem it necessary to establish some criterion, for discriminating between good citizens and insurgents, that each might be regarded according to their characters: the former as their country's friends, and to be protected; and the latter as public enemies, and to be effectually suppressed. At such a time as the present, every man ought to shew his colours, and take his side: no neutral characters should be allowed: nor any one suffered to vibrate between the two.

Vigour, decision, and energy, will soon terminate this unnatural, this unprovoked insurrection; and prevent the effusion of blood: But the contrary may involve the Commonwealth in a civil war, and all its dreadful consequences: which may extend, not only to the neighbouring States, but even to the whole confederacy, and finally destroy the fair temple of American liberty, in the erecting of which, besides the vast expence of it, many thousands of valuable citizens have been sacrificed.

There are several things, resulting from the measures in operation, which require your immediate attention.

The money immediately wanted for carrying them into execution, was supplied by a voluntary loan from a number of Gentlemen, and in a manner, which does them much honour. I must earnestly recommend to you to provide for its reimbursement, which upon the principles of policy as well as justice, should be made as speedily as possible. Provision also should be made for defraying the general expence.

Should the time be too short to effect the great purposes, for which the Militia were called forth, it may be necessary that General *Lincoln* should be empowered to continue them in service by enlistment, until those purposes shall be accomplished. The men being already embodied, and the arrangements for supporting them perfected, the expence of such a continuance, will be much less than that of raising a new body for the same service.

There are defects in our Militia Act, which require an immediate remedy; and which I shall mention to you in a separate message.

These, Gentlemen, are matters of importance; but the general subject of this address is of the first magnitude, and demands your immediate and most serious attention. If it be taken up with proper spirit—if the measures in operation be seconded with firmness and decision—and if the powers of the several Branches of Government be united in a wise and vigorous exertion, we may reasonably expect a speedy and happy issue to the present insurrection: to which happy issue every exertion on my part has been, and shall be, applied.

But, on the contrary, if indecision, languour or disunion should on this occasion pervade our public Councils, insurrection, though checked for the present, would gain new strength, and, like a torrent, might sweep away every mound of the Constitution; and overwhelm the Commonwealth in every species of calamity.—In such a case, if brought on by remissness, or relaxation, on our part, we should be, not only involved—most essentially involved,

involved, in that calamity, but justly chargeable with betraying the trust reposed in us by our fellow-citizens; and chargeable with ignominiously deserting the posts assigned us, as guardians of the peace, the safety and happiness of the Commonwealth.

But, very happily—this is only a possible case: for your patriotism, your virtue, your regard for your own liberties and property, and for those of your families and posterity, must induce you to call forth every power of Government into vigorous exertion for preventing such a complication, such an accumulation of evils.

On this occasion, it is proper, Gentlemen, to inform you, that I have received from several towns, petitions, directed to the Governour and Council, and also to the General Court, relative to the Insurgents. The petitions, being eight in number, do disapprove of the proceedings of Government, in regard to those people.

But as the things prayed for, were, for the most part, not cognizable by the Governour and Council; and such as were so, could not be granted by them, consistently with the duty they owe to the Commonwealth; the petitions will be laid before you for your consideration.

There are other matters, to which your attention, Gentlemen, is necessary; and they will be communicated by message.

JAMES BOWDOIN.

COUNCIL-CHAMBER, February 3, 1787.

II.

MESSAGE from his Excellency the Governour, by the Secretary.
February 3, 1787.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

THERE is a capital defect in our militia act, which requires an immediate remedy.

As the acts now stand, a few indolent or disaffected officers may, by neglecting, or refusing to do their duty, defeat the purposes of government in the most critical situation, and perhaps endanger the public safety: And this without incurring any other inconvenience than the loss of their commissions. On the present occasion, though the towns in general, have with alacrity furnished their quotas of men, a few of them are deficient. The deficiencies, I am informed, have generally arisen from the neglect, or refusal of the militia officers, to do their duty. Some further penalty seems necessary to prevent, in future, such delinquencies on the part of the officers: And some additional provision should be made for raising the men required, in case the officers should prove eventually delinquent.

Other defects in those acts may be remedied at the same time.

B

As

As further detachments from the militia may be soon necessary, you will permit me, Gentlemen, to recommend an immediate attention to this business.

JAMES BOWDOIN,

COUNCIL-CHAMBER, February 3, 1787.

III.

MESSAGE from his Excellency the Governour, by the Secretary.
February 3, 1787.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I have received a letter from General *Lincoln*, dated at *Hadley*, the 30th of *January*, enclosing a copy of two letters which had passed between him and *Shays*; who, with a large body of insurgents, was then posted at *Pelham*.

The General's letter to me strongly recommends some further measures, as necessary to be taken for the effectual suppression of the insurgents: And those measures can be settled and determined on, by no less, nor any other authority than the General Court.

This, Gentlemen, is a business of great importance, and claims your immediate attention.

The letters and papers will be laid before you by the Secretary.

JAMES BOWDOIN.

COUNCIL-CHAMBER, February 3, 1787.

IV.

Resolve approving General *Lincoln's* conduct in his overtures of recommending certain descriptions of insurgents to the clemency of government, and authorizing the Governour to promise a pardon under such disqualifications as may hereafter be provided. February 4, 1787.

Whereas many persons who now are, or have been in arms against the government, may not have considered the evil nature and tendency of their crime, and might not have been apprized that an opposition to the legal authority of the State, with force of arms, is treason and rebellion: And whereas General *Lincoln*, has given to a particular description of the insurgents, his assurances of recommending them to the clemency of government on certain conditions therein-mentioned.

Resolved, That this Court approve of General *Lincoln's* conduct in his overtures of recommending certain descriptions of insurgents to the clemency of government, and that the Governour be, and he hereby is authorized and empowered, in the name of the General Court, to promise a pardon

don under such disqualifications as may hereafter be provided, to such private soldiers, and others who act in the capacity of non-commissioned officers, as have been, or now are in arms against the Commonwealth, with such exceptions as he, or the General Officer commanding the troops, may judge necessary; provided they shall deliver up their arms, and take and subscribe the oath of allegiance to this Commonwealth, within such time as shall or may be limited by his Excellency for that purpose.

V

General Court's declaration, that a horrid and unnatural rebellion exists within this Commonwealth. *February 4, 1787.*

Commonwealth of *Massachusetts.*

Whereas the doings of the General Court at their last session, relative to the insurgents against the government and authority of the State, in several counties within this Commonwealth, were lenient and merciful,—were intended to quiet the minds of the disaffected, and ought to have had the effect they were designed to produce.

And whereas every complaint of grievance was carefully attended to with a disposition to grant all that relief which could be afforded consistent with equal justice, and the dignity of government; and the General Court, so far as they were able, adopted measures accordingly; and gave full and clear information to the insurgents, as well as others, of the general situation of public affairs. And whereas a full and free pardon for all the outrageous proceedings against the government, whereof the insurgents had been guilty, was tendered them, upon this mild condition *alone*, that they should be guilty of such outrages no more; and as evidence of their intentions, to demean themselves in future, as good and faithful citizens, shall before the first day of *January, A. D. 1787*, take and subscribe the oath of allegiance; it manifestly appears, from the subsequent conduct of the leaders of the insurgents, that their opposition to government has not arisen from a misapprehension, as to the views and disposition of government, or from a temporary irritation, arising from the pressure of supposed grievances, or from a misguided zeal to promote the public happiness, as has been insidiously asserted; but from a settled determination to subvert the constitution and put an end to the government of this Commonwealth; it is also abundantly manifest, that the conduct of the insurgents, in stopping the Courts of Justice in the counties of *Worcester* and *Hampshire*, in assembling in arms avowedly to commit the same outrages in the county of *Middlesex*—in calling upon the towns in some counties, to furnish themselves with arms and ammunition—in appointing Committees to form their adherents into regular military companies, properly officered; thereby to establish within this Commonwealth, a standing force, beyond the controul

of, and for the exprefs purpose of oppofing in arms, the conftitutional government of the State—in endeavouring to encreate the commotions in the counties aforefaid, by publicly inviting and alluring others to throw off their allegiance, and join their body, is fubverfive of all order and government, abfolutely incompatible with the public fafety and happinefs; and is an open, unnatural, unprovoked and wicked rebellion, againft the dignity, authority and government of this Commonwealth: And the Legiflature, in duty to their conftituents, in conformity to their oaths, and by virtue of the authority vefted in them by the conftitution, having ineffectually tried every lenient meafure to reclaim them: Do hereby folemnly declare, *that a horrid and unnatural REBELLION and WAR*, has been openly and traiteroufly raifed and levied againft this Commonwealth, and is ftill continued, and now exifts within the fame, with defign to fubvert and overthrow the conftitution and form of government thereof, which has been moft folemnly agreed to, and eftablifhed by the citizens of this Commonwealth; and that government ought, and will, with the greateft energy and force, exert, and bring forth, all the power of the Commonwealth for the fuppreffion thereof: And all the horrors and evils, that may follow in confequence of this rebellion, muft be imputed to thofe men, who have, contrary to the duty of their allegiance, and every principle of law and juftice, been the fomenters, abettors and fupporters of the fame.

VI.

An Addrefs of the General Court, to his Excellency the Governour. *February 4, 1787.*

To his Excellency JAMES BOWDOIN, Efquire, Governour of the Commonwealth of *Massachusetts.*

May it please your Excellency,

THE Senate and Houfe of Representatives, in General Court affembled, have read and duly attended to your fpeech at the opening of this feffion, and take this earlieft opportunity to exprefs their entire fatisfaction in the meafures you have been pleafed to take, purfuant to the powers vefted in you by the conftitution, for the fubduing a turbulent fpirit, which has too long infulted the government of this Commonwealth; proftated the Courts of law and juftice in divers counties, and threatened even the overthrow of the conftitution itfelf. The General Court congratulate your Excellency on the fuccefs with which Providence has been pleafed hitherto to blefs the wife, fpirited and prudent meafures which you have taken; and they earneftly entreat your Excellency, ftill to encounter, repel, and refift, by all fitting ways, enterprifes and means, all and every fuch perfon and perfons as attempt or enterprife, in a hostile manner, the deftruction; detriment or annoyance of this Commonwealth; and to purfue fuch further conftitutional meafures as you may think neceffary for extirpating the fpirit.

spirit of rebellion; quieting the minds of the good people of the Commonwealth; and establishing the just authority and dignity of government. And in order that your Excellency may be possessed of the *full* power of the constitution, to effect these great purposes, the General Court have thought it highly necessary, after a mature deliberation, to declare that a rebellion exists within this Commonwealth.

This Court are fully persuaded, that by far the greater part of the citizens of this Commonwealth are warmly attached to our present happy constitution: They have a high sense of the merit of a respectable body of the militia, who have with readiness attended your Excellency's orders on this pressing emergency, as well as of the patriotick zeal of a number of private citizens, who have cheerfully advanced their money in aid to government: And you may be assured, Sir, that the most speedy and effectual means will be used for the payment of the officers and soldiers, who have been, or may be employed in this necessary and most important service; and for the reimbursement of the monies generously advanced for its support.

It is to be expected, that vigour, decision and energy, under the direction and blessing of Heaven, will soon terminate this unnatural, unprovoked rebellion, prevent the effusion of blood, and the fatal consequences, to be dreaded from a civil war; and it is the determination of this Court to establish a criterion for discriminating between good citizens and others, that each may be regarded according to their characters and deserts.

If it should appear to your Excellency, that the time for which the militia under the command of Major-General *Lincoln*, are enlisted, is too short to effect the great objects in view, it is the request of this Court, that you would be pleased to direct the commanding General, to reinlist the same men, or enlist others, for such further time as you may think necessary, or to replace them by detachments from the militia; and, if you shall think it expedient, to increase their numbers, and continue them in service until those purposes shall be compleatly accomplished.

The General Court will give the most ready attention to your message of the third instant, and every other communication you shall be pleased to lay before them. They will vigorously pursue every measure that may be calculated to support the Constitution, and will still continue to redress any real grievances, if such shall be found to exist—humbly beseeching Almighty God to preserve union and harmony among the several powers of government, as well as among the honest and virtuous citizens of the Commonwealth, and to restore to us, the inestimable blessings of peace and liberty, under a wise and righteous administration of government.

In Senate, 4th February, 1787.

Read and unanimously accepted—and Ordered, That *Samuel Adams*, *Caleb Strong*, and *Seth Washburne*, Esquires, with such as the Honourable House may join, be a committee to wait upon his Excellency the Governour with the foregoing-address.

Sent down for concurrence. SAMUEL PHILLIPS, jun. President.

In the *House of Representatives*, Feb. 4, 1787.

Read and concurred, and Mr. *Shepard*, Mr. *Brooks*, Mr. *Beckford*, and Mr. *Davis*, are joined.

ARTEMAS WARD, Speaker.

VII.

Resolve for adjourning the Courts in the county of *Hampshire*, to the first Tuesday in *March*. February 5, 1787.

Whereas divers actions commenced in the county of *Hampshire*, and returnable at the Court of Common Pleas holden at *Northampton*, on the last Tuesday of *August* last, and at the Court which by law was to have been holden by adjournment at *Springfield*, on the fourth Tuesday of *December* last, by reason of the commotions in the said county, were not entered in the same Court: Therefore,

Resolved, That all writs and processes which were made returnable, and all appeals made to the said Court of Common Pleas in *August* aforesaid, or on the said fourth Tuesday of *December*, by adjournment as aforesaid, may be entered at the Court of Common Pleas which shall next be holden in said county, and the Justices of the same Court, are hereby authorized to proceed upon and render judgment on such actions and appeals, which shall be of the same validity and have the same effect, as if such actions or appeals had been entered at the said term in *August*, or at the Court to have been holden on the said fourth Tuesday of *December* by adjournment as aforesaid; and all recognizances taken in the Court of General Sessions of the Peace in said county, on the third Tuesday of *May* last, or which were by law returnable to the same Court on the said last Tuesday of *August*, or on the said fourth Tuesday of *December*, shall be proceeded upon, at the next Court of General Sessions of the Peace, which shall be holden in the same county, as they might have been on the said last Tuesday of *August*, or the said fourth Tuesday of *December*, if no interruption to the said Court had taken place.

And whereas by reason of the present session of the General Court, it is expedient to adjourn the Courts of Common Pleas and General Sessions of the Peace by law to be holden at *Northampton*, in and for the county of *Hampshire*, on the second Tuesday of *February* instant:

Resolved, That the said Courts of Common Pleas, and General Sessions of the Peace, be, and the same are hereby adjourned to the first Tuesday of *March* next, then to be holden at *Northampton* aforesaid, and all writs, processes and recognizances which are or may be returnable to the said Court of Common Pleas, or Court of General Sessions of the Peace, shall be returnable to, have day and be triable on the said first Tuesday of *March*, in like manner as they might or could have been, if the same Courts had been holden on the second Tuesday of *February* aforesaid.

And

And whereas on the fourth Tuesday of *December* last, to which term the Courts of General Sessions of the Peace and the Court of Common Pleas for the said county were adjourned, the Justices of the same Courts were forcibly prevented from opening the said Courts, by reason whereof the actions and processses depending in the same Courts were discontinued : Therefore

Resolved, That all actions and processses which were continued in the same Courts at their term on the last Tuesday of *August* last, or were by law triable on the said fourth Tuesday of *December*, be, and they hereby are continued, and shall have day and be triable in the said Courts on the said first Tuesday of *March*, in the same manner as they might or could have been, on the said fourth Tuesday of *December*, if no interruption to the said Courts had then taken place.

And be it further resolved, That the Justices of the Court of General Sessions of the Peace for the said county, on the said first Tuesday of *March* next, be and they hereby are authorized and empowered to grant licences to innkeepers and retailers of spirituous liquors, in the same manner as by law they were authorized to grant such licences on the last Tuesday of *August* last, any law to the contrary notwithstanding.

VIII.

Resolve approving the conduct of General *Shepard*, &c. in the defence of the arsenal at *Springfield*. *February 5, 1787.*

Resolved, unanimously, That the General Court highly approve of the conduct of Major-General *Shepard*, and the militia of his division, for their exertions and spirited defence of the federal arsenal at *Springfield*, against the daring attempts and attack of the insurgents.

IX.

Resolve on the memorial of *Richard Devens*, Esq; granting *two thousand pounds* for certain supplies, and directing the Treasurer to borrow the same on loan. *February 5, 1787.*

On the memorial of *Richard Devens*, Esq; Commissary-General of this Commonwealth :

Resolved, That there be paid out of the Treasury of this Commonwealth, to the Commissary-General, the sum of *two thousand pounds*, for the purposes of finishing the goal, and repairing the wharf on *Castle-Island*, supplying the garrison and prisoners there, and of supplying the several light-houses within this Commonwealth, he being accountable for the same.

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed, to borrow on loan, the sum of *two thousand pounds*, or any part

part thereof, for the purpose aforesaid, to be repaid from the monies that shall be first paid into the Treasury on account of any tax or taxes that are already issued, and which are not specially appropriated.

X

MESSAGE from his Excellency the Governour, by the Secretary.
February 6, 1787.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

Mr. *Cabot* is this moment arrived with a letter from General *Lincoln*, dated the 4th instant at *Petersham*, from which place, on the preceeding day, he obliged the main body of the Insurgents to retreat with great precipitation, having taken about one hundred and fifty of them prisoners.

For further particulars, you will please to be referred to the letters, and in the mean time will permit me to congratulate you on this important success.

Orders have been issued to reinforce General *Lincoln*, with twenty-six hundred of the Militia. I should be glad to know, gentlemen, whether you would think it expedient that those orders, should, in consequence of this success, be countermanded either in whole, or in part.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *February 6, 1787.*

XI.

Resolved for adjourning the Court of Common Pleas and Court of General Sessions of the Peace, to the first Tuesday of *April* next. *February 6, 1787.*

Whereas the Courts of Common Pleas and General Sessions of the Peace, were by law to have been holden at *Barnstable*, in and for the county of *Barnstable*, on the first Tuesday of *December* last; but by reason of the severity of the weather, the Justices of the said Court could not meet, to open or hold either of said Courts, whereby many inconveniencies may arise: for remedy whereof,

Resolved, That the Justices of the Court of Common Pleas and the Justices of the Court of General Sessions of the Peace, for the aforesaid county, at their next term to be holden at *Barnstable*, within and for the county of *Barnstable*, on the first Tuesday of *April* next, be, and they hereby are respectively, fully authorized and empowered, to proceed upon, hear and determine all civil and criminal processes, and all other matters and things which were legally pending in the said Courts, at the term which by law might have been holden in *December* as aforesaid; as fully to all intents and purposes as by law they could have done in the *December* term aforesaid.

Order

XII.

Order requesting the Governour to appoint a day of fasting and prayer.
February 6, 1787.

Ordered, unanimously, that his Excellency the Governour be, and he is hereby requested, with the advice of Council, to issue his proclamation for appointing a day, to be observed, as soon as may be conveniently, for the purpose of solemn fasting and prayer; that the people may unitedly humble themselves before almighty God, under the heavy frown of Divine Providence, in permitting the unnatural rebellion which has taken place, and now exists in this Commonwealth—giving thanks to God for any favourable appearances, and imploring such merciful interpositions for the future; as may be necessary for the restoration of perfect tranquility, and the full establishment of our constitutional rights, liberties and privileges.

XIII.

Resolve respecting the pay of non-commissioned officers and privates, and the manner in which they are to be paid, &c. *February 6, 1787.*

Resolved, That the non-commissioned officers and privates, who have been, now are, or shall hereafter be called into public service, for suppressing the rebellion which now exists, shall be severally paid as follows, viz. Serjeants, *forty-eight shillings*. Corporals *forty-four shillings*. Drums and fifes, *forty-four shillings*. Privates, *forty shillings* per month; and in like proportion for a longer or shorter time.

And it is further Resolved, That upon the rolls being made out by the proper officers, and approved of by the Governour and Council, they will be discharged by the Treasurer in specie, with all the speed that is practicable; the most effectual measures possible having been taken to borrow money for this purpose.

XIV.

Resolve on the petition of *Barclay Fanning*, to shew cause. *February 6, 1787.*

On the petition of *Barclay Fanning*, representing that he had lost his law in an action brought against him by *Iaac Golding*, in consequence whereof an execution is issued against him:

Resolved, That the prayer of the petition, for reasons therein set forth, be so far granted, that the petitioner be directed to serve the said *Golding* with a copy of his petition and this order thereon, fourteen days before the next sitting of the General Court, to appear on the second Wednesday of the same, to shew cause, if any he hath, why the prayer thereof should not be granted, and that the execution be stayed in the mean time.

D

Message

XV.

MESS AG E from his Excellency the Governour, by the Secretary,
February 8, 1787.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

By General *Lincoln's* letter of the 6th instant, which has been communicated to you, after mentioning the dispersed state of the Insurgents, he supposes the sending out any other troops, will be altogether unnecessary at present; and thinks we had better attempt to re-enlist a sufficient number out of those troops now in the field, as they have obtained some knowledge of duty; and says he shall wait the Governour's direction before he takes any measures for that purpose.

As it is necessary a re-enlistment should be made certain as soon as may be, you will please, Gentlemen, to take this matter into immediate consideration, and let me know your mind, respecting the time and terms, for and upon which, the General may be authorized to re-enlist the men: And what number should be re-enlisted.

In consequence of your message of yesterday, founded on the last intelligence from General *Lincoln*, I have countermanded the orders, for making a further detachment from the militia, at present.

JAMES BOWDOIN.

COUNCIL-CHAMBER, February 8, 1787.

XVI.

Resolve for re-enlisting troops under General *Lincoln*, and granting a bounty; and requesting the Governour to issue a proclamation for apprehending the principals of the Rebels, and offering a reward for that purpose, and to request the Governours of other States to issue similar proclamations. February 8, 1787.

Whereas it is necessary, for the more effectual protection of the good citizens of this Commonwealth, and for the entire suppression of the present rebellion, that a military force be kept up for a further space of time, than that for which the militia now serving under General *Lincoln*, were detached.

Resolved, That the Commander in chief of this Commonwealth, be, and he is hereby requested, to give immediate orders for the enlistment of such a number of men as he shall judge necessary, for the purposes aforesaid, not exceeding fifteen hundred, to serve for the space of four months,

unless

unless sooner discharged; the said men to be enlisted from those now in service if the said number can be completed from them, otherwise from the people at large.

Resolved, That there be allowed and paid out of the public Treasury, from the monies that may be loaned by virtue of an act passed the present session, for borrowing the sum of *forty thousand pounds*, unto each able bodied man that shall enlist as aforesaid, the sum of *twenty shillings*, in advance of his wages, established at *forty shillings* per month.

And it is further Resolved, That the Governour, with the advice of Council, be, and he is hereby requested, to issue a proclamation offering a reward for apprehending such of the ringleaders or principals in the present rebellion, as he shall judge proper, not exceeding *one hundred and fifty pounds*, for any one of them; and that the Governour be desired to write to the Governours of such of the other States, as he may think proper, requesting them to issue similar proclamations: At the same time giving assurances that any money advanced by them, will be repaid by this State.

XVII.

Vote on a paper signed *Francis Stone*, Chairman of a Committee of certain officers from the counties of *Worcester, Hampshire, Middlesex and Berkshire*, who are in arms against government. February 8, 1787.

A paper called a petition from the officers of the counties of *Worcester, Hampshire, Middlesex and Berkshire*, now at arms, and signed by *Francis Stone*, Chairman of the Committee from the above counties, and addressed to the General Court, was read, Whereupon,

Voted, That the said paper cannot be sustained.

First. Because those concerned therein, openly avow themselves to be at arms, and in a state of hostility against the government; and for this reason alone the said paper would be unsustainable, even if the tenor of the application, had discovered a spirit suitable to the object of it.

Secondly. Because it does not appear, *what officers*, or *how many*, are represented by the said paper, or that the said *Stone*, had authority from, *any officers whatever*, to make the application by him subscribed.

Thirdly. Because the applicants—although they call themselves petitioners, and acknowledge an “*error*,” yet consider that error only as “*a failing*,” and attempt, at least in part, to justify themselves therein.

Fourthly. The said applicants appear to view themselves *on equal, if not better standing*, than the Legislature, by proposing “*a reconciliation*.”

Fifthly. They appear to threaten the authority and government of the Commonwealth, with a great effusion of blood, unless this “*reconciliation*” can immediately take place.

Sixthly.

Sixthly. They implicitly declare their determination to continue in arms, unless all who now are, and who have been in a state of open war with the government, including those who have been apprehended and are now in custody, as well as all others who have any way aided or assisted in their cause, can have another full pardon granted, for all offences, in addition to that which they have so lately despised.

Seventhly, If the paper presented had been a *proper petition*, subscribed by the persons who desire a pardon, and expressive of a due sense of their crime, with proper resolutions of amendment, yet their engagements could not be depended on; as their cause has been supported by a multitude of falsehoods; and as no engagements can be more solemn, than those made by the leaders of the Rebels in the county of *Middlesex*, on the week before the Judicial Courts sat last in the said county, that they would not take any measures to obstruct the sitting of the said Courts; which engagements were so far regarded, as to induce the Commander in Chief, to write counter-orders to a considerable part of the militia whom he had ordered to be detached; and yet those engagements were on the next day violated.

XVIII.

Resolve on the examination of the account of *Edward Davis*, Esq; and others, late guardians of the *Dudley* Indians, directing the guardians to pay a balance of *four pounds eighteen shillings and two pence*, to said *Edward Davis*, and others, out of the profits that shall arise out of the said Indians estates. *February 9, 1787.*

The Committee of both Houses, appointed to examine the accounts of *Edward Davis*, Esq; and others, late guardians of the *Dudley* Indians, have attended that service, and ask leave to make the following report.

S. F R E E M A N, per order.

That they find due from the said guardians, to the *Dudley* Indians, as by a former settlement, which was accepted by the General Court, the sum of *twenty pounds one shilling and six pence*, and also the further sum of *eighteen pounds*, for two years income of said Indians land, since *January* the twenty-ninth day, 1785; and upon examining the said guardians account of disbursements, it appears that they are right cast and well vouched, amounting in the whole to *forty-two pounds nineteen shillings and eight pence*: It therefore appears, that a balance is due to the said late guardians from the aforesaid Indians, of the sum of *four pounds eighteen shillings and two pence*.

Therefore

Resolved; That the present guardians to the above-said Indians, pay to the aforesaid *Edward Davis* and others, out of the profits that shall arise out.

out of the said Indians estates, the aforesaid sum of *four pounds eighteen shillings and two pence*, in full discharge of all the demands that the said late guardians have against the Indians aforesaid.

XIX.

Resolve on *Groton* petition, empowering said town to choose a Collector, or Collectors to compleat the collections of all such taxes as remain due upon the rate-bills committed to *Job Shattuck* and *Benjamin Page*, and directing the Selectmen and Assessors of the said town in this case. February 10, 1787.

Whereas it has been represented to this Court, by the Selectmen of the town of *Groton*, that *Job Shattuck*, now a State prisoner, was chosen a Constable for the said town for the year 1785, and had taxes committed to him to collect, the greater part whereof remaining unsettled: That *Benjamin Page*, now a State prisoner, was chosen a Constable for the year 1786, and had taxes committed to him to collect, no part of which has been settled; and that *Jacob Lakin Parker*, was also chosen a Constable by the said town for the year 1786, and duly sworn into office, and has acted as an officer of that denomination, but has neglected and refused to take the State rate to collect, although the same was seasonably made and offered to him. Therefore

Resolved, That the said town of *Groton*, be, and they are hereby authorized and empowered, at a town-meeting warned for that purpose, to choose a Collector, or Collectors, to compleat the collections of all such taxes as remain due upon either of the rate-bills committed to the said *Shattuck* and *Page*, and also the State rate already made, which the said *Parker* has refused to receive and collect.

And it is further Resolved, That the Selectmen and Assessors of the said town of *Groton*, be, and they are hereby authorized and empowered, to demand and receive, the several tax-bills committed to the said *Shattuck* and *Page*, and to examine and ascertain the balances remaining due on each, and to commit the same, and also the State tax which the said *Parker* refuses to take and collect, with the Assessors warrant, to the person or persons, the said town shall choose.

And the Assessors of the said town are hereby directed, to certify the sum or sums, that remain uncollected, on any of the bills, to the respective Treasurers to whom they are due, together with the name of the person or persons chosen and appointed to compleat the said collections; and the person or persons chosen and appointed as aforesaid, shall have the same power and authority to collect such sum or sums, as the said *Shattuck*, *Page* and *Parker* originally had, and shall be under like obligations to pay the sum or sums that remain to be collected on the said bills, to the several Treasurers to whom they are respectively due.

MESSAGE from his Excellency the Governour, by the Secretary,
February 12, 1787.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,
BY Mr. *Lusk*, a Member of the honourable House, I yesterday received a letter from General *Lincoln*, dated the 8th instant, at *Hadley*, and which will be herewith communicated. He mentions in it, that the four regiments, with which he marched from the lower counties, were then at *Northampton*, where they had made a halt, on account of the weather; that he should leave one regiment there, and move on to *Berkshire* with the rest, in which there are as many men, as he can cover in any of the upper towns, when joined by General *Patterson's* troops; and he is confident, they will be fully competent to bear down all opposition in that county.

One regiment, he says, will be employed under the direction of General *Shepard*, to apprehend the most dangerous and influential characters in the county of *Hampshire*; and with respect to the county of *Worcester*, that General *Warner* has with him about fifteen hundred men, which he will throw into the different parts of that county, to apprehend or disperse all those, who are there in arms against the authority of government.

General *Lincoln* has been furnished with duplicate copies of all the proceedings of the present session of the General Court, that have any respect to the insurrection, or his conduct concerning it.

With regard to your resolves of the 8th instant, in particular, which relate to the enlistment of a number, not exceeding fifteen hundred men, to be continued in the public service, an authenticated copy of them was, as soon as possible, made out and forwarded by express to the General, with a letter from me: instructing him, that as his situation enabled him to form the best judgment of the proper number to be enlisted, he would accordingly settle what the number should be, within the limit prescribed by the resolve: and to form them into one or two regiments, under such officers, as he knew were best qualified for the service.

To guard against accidents, a duplicate copy has been forwarded by another express: by which I again wrote, and informed him, that the General Court had under consideration, a bill declarative of the disqualifications, to which the Insurgents were to be subject: and when finished, a proclamation would be issued, declaring the terms of the pardon, intended by the Court's resolve of the 4th instant: and that as soon as may be after, and agreeably to his desire, the proclamation would be transmitted to him.

You will observe, Gentlemen, that the General thinks no time should be lost in settling those disqualifications, and the terms of pardon, in order that the proclamation may be issued, and sent to him and the other Generals, as soon as may be, for their direction.

This business, Gentlemen, claims your speedy attention.

I have this minute received a letter from General Warner, at Worcester, dated the tenth instant, which is sent for your information.

JAMES BOWDOIN.

COUNCIL-CHAMBER, February 12, 1787.

XXI.

MESSAGE from his Excellency the Governour, by the Secretary.
February 13, 1787.

Gentlemen of the Senate, and Gentlemen of the House of Representatives,

THE Commissioners on the part of this Commonwealth, viz. the Honourable John Lowell, James Sullivan, Theophilus Parsons, and Rufus King, Esquires; and those on the part of New-York, have very happily settled the dispute between the two governments, in regard to lands lying to the westward of Hudson's River.

They have mutually agreed, in behalf of those governments respectively, to the mutual cessions, grants, releases, and other provisions, contained in eleven articles, written on an indented parchment, dated at Hartford, in the State of Connecticut, the 16th of December, 1786; and by them mutually signed.

The two first of those articles being the most material ones, run thus :
“ First, The Commonwealth of Massachusetts doth hereby cede, grant, release and confirm, to the State of New-York, forever, all the claim, right and title, which the Commonwealth of Massachusetts hath, to the government, sovereignty and jurisdiction, of the lands and territories so claimed by the State of New-York, as herein before stated, and particularly specified.

“ Secondly, The State of New-York doth hereby cede, grant, release and confirm to the Commonwealth of Massachusetts, and to the use of the Commonwealth, their grantees, and the heirs and assigns of such grantees, forever, the right of pre-emption of the soil from the native Indians, and all other the estate, right, title and property, (the right and title of government, sovereignty and jurisdiction excepted) which the State of New-York hath of, in or to, two hundred and thirty thousand, and four hundred acres, to be located by the Commonwealth of Massachusetts, and to be situate to the northward of, and adjoining to, the lands granted respectively to Daniel Cox and Robert Lettice Hooper, and their respective associates; and between the Rivers Owego and Chenango: and also of, in or to, all the lands and territories, within the following limits and bounds; that is to say, Beginning in the north boundary line of the State of Pennsylvania, in the parallel of 42 degrees of north latitude, at a point distant 82 miles west from the north-east

north-east corner of the State of *Pennsylvania*, on *Delaware-River*, as the said boundary line hath been run and marked by the Commissioners appointed by the States of *Pennsylvania* and *New-York*, respectively, and from the said point or place of beginning, running on a due meridian north, to the boundary-line, between the United States of *America*, and the King of *Great-Britain*; thence westerly and southerly along the said boundary line, to a meridian, which will pass one mile due east from the northern termination of the Streight, or waters, between *Lake-Ontario*, and *Lake-Erie*; thence south, along the said meridian, to the south shore of *Lake-Ontario*; thence on the eastern-side of the said Streight, by a line always one mile distant from, and parallel to the said Streight, to *Lake-Erie*; thence due west, to the boundary line between the United States and the King of *Great-Britain*; thence along the said boundary line, until it meets with the line of cession from the State of *New-York* to the United States; thence along the said line of cession, to the north-west corner of the State of *Pennsylvania*; and thence east, along the northern boundary line of the State of *Pennsylvania*, to the said place of beginning: and which said lands and territories, so ceded, granted and released, and confirmed, are parcel of the lands and territories described in the petition of *Massachusetts* to Congress, in the said indented parchment referred to.

This last described tract, as I am informed by Mr. *Lowell* and Mr. *Sullivan*, whose letter accompanies this message, does probably contain between five and six millions of acres; and will be more or less, according to the true situation of the great *Lakes Erie* and *Ontario*; upon which it is bounded on the west and north, including a part of those *Lakes*, as you will observe, Gentlemen, by the plan herewith exhibited: with which there will be also exhibited the aforesaid indenture, together with the instrument on parchment, signed by Governour *Clinton*, empowering the *New-York* Commissioners to compleat this business, on the part of that State.

On this occasion, I cannot but mention, that the conduct of our Commissioners in this business, merits, and without doubt will meet with, the approbation of the General Court.

I wish I could inform you, Gentlemen, that the other matter in dispute with *New-York*, was also settled. I mean the eastern boundary line of that State, so far as it respects this State.

In regard to it, I have received a letter from the Rev. Dr. *Williams*, herewith communicated, giving an account of the state of that business; and to which you will please to be referred.

The mutual acts passed by the two States for effecting the settlements of that line, are nearly expired; and before any thing further can be done for that purpose, some further acts must be passed by the Legislatures of those States.

This business, Gentlemen, requires your attention.

JAMES BOWDOIN.

COUNCIL-CHAMBER, February 13, 1787.

MESSAGE from his Excellency the Governour, by the Secretary.
February 14, 1787.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

THERE are two requisitions of Congress, which I laid before you, with my messages, of the 29th of *September* and 16th of *November*; and which you referred over to the present session, for further consideration.

The latter requisition was for our quota of the sum required for the pay and support of the troops of the United States, on the present establishment; to be paid into the Federal treasury, on or before the first of *June* next. With respect to the additional troops, to which that requisition has in part a reference, you made some provision for the raising our quota of them; and of that quota, I am informed by the Commanding-Officer, there are about 150 men enlisted; the most of which are now in barracks at *Castle-William*, without employ. In regard to the other requisition, which respects the services of the year 1786; I received since the last session of the General Court, a second authenticated copy of it, accompanied with a letter from the Board of Treasury, dated the 13th of *November*; which they request me to lay before the Legislature.

They also enclosed a Schedule of requisitions on the several States, of the 10th of *September*, 1782, the 30th of *October*, 1781, and 27th and 28th of *April*, 1784, of the 27th of *September*, 1785, and of the 2d of *August*, 1786; shewing the quotas assigned to each, the amount paid thereon, and the balances due on the 30th of *June*, 1786; by which it appears, that the amount of the deficiencies; then due from the several States, is eight million five hundred twenty-three thousand, two hundred and fifty-two dollars, and $\frac{2}{3}$ ths of a dollar; and that the deficiency on the part of this State, then amounted to twelve hundred ninety-six thousand, six hundred and forty-nine dollars, and $\frac{2}{3}$ ths of a dollar.]

They observe, that as these requisitions, are made for the express purpose of defraying the interest of the foreign and domestic debt; and the charges of the civil government, the Legislative bodies of the several States will easily judge to what embarrassments the Union must necessarily be reduced, for want of sufficient funds to discharge these essential engagements:

They then make a statement from the several requisitions and estimates; and from the specie payments in the General Treasury; and observe upon it; that the surplus of the receipts, beyond what was necessary to defray the charges of the government in two years and an half; that is, from the 31st of *December*, 1783, to the 30th of *June*, 1786, is only thirty-nine thousand and thirty-two dollars, and $\frac{2}{3}$ ths of a dollar, to be applied towards the discharge of the specie engagements above-mentioned.

The result of the stated facts, they say, is, That unless the several States adopt without delay, a more efficient mode of supplying the General Treasury, than has hitherto been adopted, the Confederacy of the States, on which their existence, as an independent people, too probably depends, must inevitably be dissolved.

In considering the acts of those States, which have complied with the several requisitions, they mention the principal causes of the extraordinary deficiency resulting from the operation of those acts. But for these, with other observations of great importance, you will please to be referred to the letter itself.

In the mean time, Gentlemen, permit me to recommend to your serious consideration, the state of the federal debt, so far as it respects this Commonwealth; that ways and means may be found, which shall with certainty, operate to the speedy diminution, and final extinguishment of it.

JAMES BOWDOIN.

COUNCIL-CHAMBER, February 14, 1787.

XXIII.

Resolve granting to *Simon Stow*, ninety-nine pounds, nine shillings and eleven pence. February 14, 1787.

Resolved, That the sum of *ninety-nine pounds nine shillings and eleven pence*, be allowed to *Simon Stow*, of *Marlborough*, agent to the estate of *Henry Barnes*, late of said *Marlborough*, an absentee, in full of his account as agent aforesaid; and the Governour is requested, with advice of Council, to draw his warrant accordingly.

XXIV.

Resolve discharging *Simon Stow*, agent to the estate of *Henry Barnes*, late of *Marlborough*, of a sum in paper money. February 14, 1787.

Whereas it appears, that *Simon Stow*, of *Marlborough*, hath in his possession, the sum of *eleven hundred and twenty-one dollars*, in paper-money, which he received as agent to the estate of *Henry Barnes*, Esq; as appears by his account, settled by the Judge of Probate for that county.

Therefore Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed, to receive the said paper money of the said *Stow*, giving duplicate receipts therefor, one of which to be lodged with the Secretary. And he the said *Stow*, upon the payment of the said money to the Treasurer, is hereby discharged from the same.

Resolve

XXV.

Resolve on the petition of *Jane Quoye*, authorizing the Selectmen of the town of *Harwich*, to make sale of the land mentioned: February 14, 1787.

On the petition of *Jane Quoye*, praying that a certain piece of land may be disposed of, as mentioned in said petition, for reasons therein contained:

Resolved, That the Selectmen of the town of *Harwich*, be, and they hereby are authorized and empowered, to sell the land mentioned in the above-said petition, for the most the same will fetch, and to make and execute a good and lawful deed or deeds of the same, to the purchaser or purchasers thereof; and the money arising by such sale, after paying reasonable charges of conveyance, shall remain in the hands of said Selectmen, or their successors in that office, and be punctually applied to the payment of such debts, as they find the petitioner hath contracted for necessary things for her support; and the remainder shall be applied by the said Selectmen, for the support of the said *Jane*, during her life; and if any of said money shall remain after her decease, the same shall be applied for the support of any other poor Indian or Indians, in the said town of *Harwich*, as the Selectmen of said town, for the time being, shall judge to be necessary.

XXVI.

MESSAGE from his Excellency the Governour, by the Secretary. February 15, 1787.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

BY the post I received from *New-York* two letters, dated the second instant: one from Mr. *Thomson*, mentioning, that on that day, the United States in Congress assembled, had appointed their President for the current year.

There were enclosed with it, two volumes of the journal of Congress for 1786: one for the Legislature, and the other for the Executive. The former will be delivered to you by the Secretary.

The other letter is from the Board of Treasury, transmitting, for the information of the Legislature, a particular statement of the contingent expenditures of the United States, from the first of *January*, to the last day of *December*, 1786: amounting to sixty thousand, two hundred and sixty-nine dollars, and $\frac{1}{2}$ ths of a dollar.

They also transmitted a general account of receipts and expenditures of the United States, from the first of *November*, 1785, to the 30th of *June*, 1786: the balance of which is fourteen thousand, two hundred and thirty-

five

five dollars, and $\frac{3}{4}$ ths of a dollar : being the amount of specie payments beyond the receipts : or an anticipation of the public credit.

These several letters and papers, will be laid before you, Gentlemen, for your information.

JAMES BOWDOIN.

COUNCIL-CHAMBER, February 15, 1787.

XXVII.

Resolve for adjourning *Essex* Courts to the first Tuesday of *April* next.
February 15, 1787.

Whereas a Court of General Sessions of the Peace, and a Court of Common Pleas, are, by adjournment to be holden at *Salem*, within and for the county of *Essex*, on the third Tuesday of *February* instant. And whereas the General Court will probably then be in session, and the Supreme Judicial Court is by law to be holden on the same day, and it will be difficult, if not impracticable for the Justices and Officers of the Courts herein first mentioned to attend upon the same, at the time to which they are adjourned :

Resolved, That the Court of General Sessions of the Peace, and Court of Common Pleas, which by adjournment should be holden at *Salem*, within and for the county of *Essex*, on the third Tuesday of *February* instant, be, and they hereby are adjourned to the first Tuesday of *April* next, then to be holden at *Ipswich*, within and for the county aforesaid ; and all writs, proceses and recognizances, returnable to, and all appeals made to the said Court of General Sessions of the Peace, and Court of Common Pleas, by adjournment to be holden at *Salem*, as aforesaid, and all matters, causes and things, that might have day, or that might be had, moved or done, at, in or by the said Courts on the said third Tuesday of *February* instant, shall be returnable to and may be entered, prosecuted, had, moved and done, at, in and by the said Courts, at the time hereby appointed for holding the same. And the Secretary is hereby directed to cause this resolve to be published in the *Massachusetts Gazette*.

XXVIII.

Resolve admitting Capt. *Matthew Clarke*, to bail, on certain conditions.
February 15, 1787.

Resolved, That any two Justices of the Peace for the county of *Hampshire*, *quorum unus*, be, and they are hereby authorized and empowered, to admit to bail *Matthew Clarke*, late of *Colerain* in said county, who is now confined

confined in the goal in *Northampton*, in the same county, he the said *Matthew* recognizing in the sum of *two hundred pounds*, with sufficient sureties in a like sum for his appearance at the next Supreme Judicial Court, which shall be holden in the same county, to answer to such matters as shall be alledged against him, on behalf of the Commonwealth, and keep the Peace and be of good behaviour in the mean time:

XXIX:

Resolve requiring the Collectors of taxes granted in 1786, instantly to exert themselves, and collect the specie tax, and pay the same into the Treasury, with direction to the Collectors within 50 miles of *Boston*, as also to Collectors of taxes granted previous to 1784; as also directing the Treasurer immediately to call upon Collectors, Sheriffs &c. *February 17, 1787.*

Whereas it is necessary, that a considerable sum of money should be immediately procured to defray the expences incurred by reason of the detachments lately made for the suppression of the unnatural Rebellion now existing in the Commonwealth, and for other services rendered to the public:

Resolved, That the Collectors of the public tax, granted in *March, 1786*, be, and they hereby are required, instantly to exert themselves to collect, and pay into the treasury of the Commonwealth, immediately, that part of the said tax, which is to be paid in specie; and the Collectors of the several towns, within fifty miles of *Boston*, are hereby required to pay into the treasury, all such sums as they shall be able to collect, within ten days at farthest, after the receipt of this resolve; and the Collectors of the several towns at a greater distance, are in like manner required, within thirty days after the receipt thereof, to pay into the treasury, the whole they shall be able to collect.

And it is further *Resolved*, That the Collectors of taxes granted previous to the year 1784, be, and they hereby are required, to urge upon the delinquents in those taxes, the necessity of an immediate payment, either in specie, or the several species of articles, enumerated in an act passed *November 8th, 1786*; as the General Court will be under the necessity of requiring the said taxes to be paid in specie only, unless payment is made in the articles aforesaid, without delay.

Resolved, That the good people of this Commonwealth, be, and they hereby are called upon to give a substantial proof of their attachment to our happy Constitution, and their regard to the freedom and safety of their country, by an immediate payment of their taxes.

And it is further *Resolved*, That the Treasurer of the Commonwealth, be, and he hereby is directed, immediately to call upon the Collectors of

taxes in the several towns of the Commonwealth, and upon the Sheriffs, to whom executions against such Collectors may have been committed, forthwith to collect and pay to the said Treasurer, the sums which they are respectively authorized to collect, or so great a part thereof, as they shall be able to obtain.

Resolved, That the Secretary cause this resolve to be printed in the *Independent Chronicle*, and in hand-bills, and forthwith to send one of them to each of the Sheriffs, and to the Clerk of each of the towns, districts and plantations, within this Commonwealth, who are hereby required, immediately on receipt thereof, to give notice of its contents to the Collectors of taxes within their respective limits, who are concerned therein.

XXX.

Resolve requesting the Governour to send General *Lincoln*, *three hundred pounds*, for the purpose of enlisting men for the service of government for four months, and to inform him a further sum will be forwarded.
February 17, 1787.

Resolved, That his Excellency the Governour be, and he is hereby requested, immediately to send to General *Lincoln*, the sum of *three hundred pounds*, with instructions to make use of the same, agreeably to his best judgment, among the officers and men under his command, for the purpose of enlisting men for the term of four months, agreeably to the resolve of the General Court, of the 8th instant, passed for this purpose, with assurance, that upon receiving information from him, of the number of men that he can enlist for the term aforesaid, such a sum will be immediately sent him, as will compleat *twenty shillings* per man, for the number he shall inform may be enlisted as aforesaid, not exceeding one thousand men, and as will pay the officers who shall command them, in the same proportion. The money which shall be paid, to be considered as in advance for wages.

XXXI.

MESSAGE from his Excellency the Governour, by the Secretary.
February 19, 1787.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

PURSUANT to your resolve of the 17th instant, I forwarded the same night to General *Lincoln*, *three hundred pounds*, with proper orders and instructions for enlisting men into the public service, and carrying the said resolve into full execution.

By Major *Rice*, who is employed in the business of enlisting the men, I yesterday received a letter from General *Warner*, at *Worcester*, giving information,

formation, that agreeably to a letter to him from General *Lincoln*, measures were taken for raising a regiment in the county of *Worcester*, to be commanded by Col. *Timothy Newell*; that he has no doubt the regiment may be immediately raised, provided the advance pay of *twenty shillings* to each man, be sent on, and ready to be delivered to them at the time they engage. If you think proper to order any money to be sent to General *Warner*, for the raising the proposed regiment, Major *Rice* is ready to proceed with it.

General *Warner*, mentions in his letter, that it is thought advisable, and would be of public benefit, to raise a small company of horse, to assist the civil officers in arresting the leaders of the rebellion, and their abettors. On this matter also, you will please, Gentlemen, to express your mind.

By Major *Seward*, I have had a letter from General *Lincoln*, dated at *Pittsfield*, the 14th instant:

You will observe by it, he was taking measures for apprehending some of the principal characters in the Rebellion; and for that purpose had by his letters applied to the Governours of the neighbouring States for their assistance. These letters, in the design of them, concur with my own to the same Gentlemen; to whom I some time ago wrote for the same purpose.

The letters from General *Lincoln*, and General *Warner*, will be laid before you by the Secretary.

JAMES BOWDOIN.

COUNCIL-CHAMBER, February 19, 1787.

XXXII.

MESSAGE from his Excellency the Governour, by the Secretary.
February 19, 1787.

Gentlemen of the Senate, and Gentlemen of the House of Representatives,

IN the recess of the General Court, I received two letters from Governour *Randolph*, of *Virginia*, dated at *Richmond* in that Commonwealth, the first and sixth of *December* last; transmitting an act of the Legislature of that State, for appointing Deputies to a Convention, proposed to be held in *Philadelphia*, on the second day of *May* next; for the purpose of revising the Federal Constitution.

By the last post, I also received a letter from Governour *Caswell*, of *North-Carolina*, dated the 12th of *January*, inclosing an act of the Legislature of that State, for appointing Deputies for the same purpose.

A Convention of Commissioners from several States was held at *Annapolis*, in *September* last, for the purpose of devising and reporting the means of enabling Congress to provide effectually for the commercial interest of the United States; but they finding their commission too much limited, did

did in their report, represent the necessity of extending the revision of the Federal system to all its defects; and recommended, that Deputies for that purpose should be appointed by the several Legislatures of the United States to meet in Convention, in *Philadelphia*, as above-mentioned.

The report of the aforesaid Commissioners was laid before you at your last session, together with my message of the second of *October*, upon the subject of it; to both of which, you will please to be referred.

The letters from the two Governours, warmly recommend a co-operation on the part of this State.

The subject is important, and merits an attentive consideration.

JAMES BOWDOIN.

COUNCIL-CHAMBER, February 19, 1787.

XXXIII.

Resolve on the petition of *John Vinal*, Attorney to the inhabitants of *Fox-Island*, in the county of *Lincoln*, allowing the inhabitants one year to fulfil the conditions enjoined upon them. February 19, 1787.

On the petition of *John Vinal*, Attorney to the inhabitants of *Fox-Island*, in the county of *Lincoln*, praying that the inhabitants of said *Island*, may have a further time allowed them for paying a certain sum of hard money into the Treasury of the Commonwealth, agreeably to a resolve of the General Court passed in *February* last; for reasons set forth in said petition:

Resolved, That the prayer of said petition be granted, and that the inhabitants of said *Fox-Island*, be, and hereby are allowed one year from the date of this resolve, to fulfil the conditions enjoined upon them in the payment of the money by the resolve above-mentioned; any resolve to the contrary notwithstanding.

XXXIV.

Resolve granting *twelve pounds* to *John Brown*, Esq; one of the Committee of sequestration, for his services. February 19, 1787.

Resolved, That there be paid out of the Treasury of this Commonwealth, to *John Brown* Esq. the sum of *twelve pounds three shillings, and one penny*, being a balance due to the said *Brown*, as one of Committee of sequestration, as appears by a certificate to his Excellency the Governour and the Honourable Council, of *January* 12th 1785, from *John Deming*, *Thomas Walley*, and *Peter Boyer*, Committee appointed to settle with the Committee of sequestration.

Resolve

XXXV.

Resolve on the Governour's message, requesting him to send General *Warner*, five hundred pounds, for the purpose of enlisting men. February 19, 1787.

Resolved, That his Excellency the Governour be, and he hereby is requested, immediately, to send to General *Warner*, at *Warcester*, the sum of five hundred pounds, with instructions to improve the same for the purpose of raising a regiment of five hundred men, to be enlisted for the term of four months, unless sooner discharged, agreeably to a resolve of the eighth of *February* current, the said regiment to be considered as part of the men provided for, by a resolve of the seventeenth instant.

And it is further *Resolved*, That his Excellency the Governour be, and he hereby is requested, if he shall think it advisable, to give the necessary orders for raising a troop of sixty horse, to assist the civil officers in arresting the leaders of the present Rebellion, and their abettors, that they may speedily be brought to justice.

XXXVI.

Resolve on the petition of *Samuel Perry*, authorizing *Joseph Twitchell*, to confirm said *Perry's* title to the land mentioned. February 20, 1787.

On the petition of *Samuel Perry*, praying that *Joseph Twitchell*, the only surviving guardian to *Natick* Indians, be authorized to confirm the aforesaid *Perry's* title to certain lands; and for reasons set forth in said petition:

Resolved, That the prayer of the petition be so far granted, that *Joseph Twitchell*, the only surviving guardian to *Natick* Indians, be, and he hereby is authorized and empowered, on application, to confirm said *Perry's* title or titles to said land or lands in as full and ample a manner, as all the guardians could do, if they were now living.

XXXVII.

Resolve on the petition of the Selectmen of the town of *Pittston*, directing the Treasurer to credit said town for the sum mentioned. February 20, 1787.

On the petition of the Selectmen of the town of *Pittston*, setting forth, that the said town was not credited for the average price of three men, whom they procured to serve for three years in the Continental army: And it appearing that the facts therein stated are true:

H

Resolved,

Resolved, That the Treasurer be, and he is hereby directed, to credit the said town of *Pittston*, for the sum of *two hundred and fifty-six pounds nine-teen shillings*, it being the average price of the men, who served for three years in the Continental army, agreeably to a resolve of *December* the second, 1780.

XXXVIII.

Resolve allowing the accounts of the county Treasurer for the county of *Middlesex*, and granting a tax of *seven hundred and fifty pounds* on the inhabitants: *February 20, 1787.*

Whereas it appears upon examination of the Treasurer's accounts for the county of *Middlesex*, that they are right cast and well vouched, and that all the monies granted and allowed by the Court of General Sessions of the Peace for the said county for the year 1786, were for such purposes and appropriations as by law the said Court were empowered to provide for :

Therefore *Resolved*, That the said accounts be accepted and allowed.

And whereas it appears from an estimate of the Justices of said Court, made the second Tuesday of *November, 1786*, that the sum of *seven hundred and fifty pounds*, will be necessary for defraying the charges of said county for one year next ensuing :

Therefore
Resolved, That there be, and hereby is granted a tax of *seven hundred and fifty pounds*, to be apportioned and assessed on the inhabitants of said county and the estates lying within the same, and to be collected, paid and applied for the use of the said county, according to the laws of the Commonwealth.

XXXIX.

Resolve on the petition of the Selectmen of the towns of *Portland, Falmouth, North-Yarmouth* and *Gorham*, in the county of *Cumberland*, directing the Secretary to cause all such acts and resolves and other doings of the Legislature, which respect the Commonwealth in general, or the said counties, to be published in the papers printed at *Portland*, and all publications respecting the counties of *Hampshire* and *Berkshire*, to be printed in the *Northampton* paper. *February 20, 1787.*

Resolved, That the Secretary be, and he hereby is directed, to cause all such acts, resolves and other doings of the Legislature, which respect the Commonwealth in general, or the counties of *York, Cumberland* and *Lincoln*, or either of them in particular, and which shall be thought necessary to be inserted in any of the *Boston* news-papers, to be also published in the papers printed

printed at *Portland* in the county of *Cumberland*; and to cause all such acts, resolves and doings as aforesaid, which respect the Commonwealth in general, or the counties of *Hampshire* and *Berkshire*, or either of them in particular, and which shall be thought necessary to be inserted in any of the *Boston* news-papers, to be also published in the papers printed at *Northampton* in the county of *Hampshire*.

And it is further *Resolved*, That all such advertisements for the sale of non-resident lands, for payment of taxes, as by law are directed to be inserted in any *Boston* news-paper, shall in future be also published in the paper printed at *Portland*, when the lands to be sold lie in either of the counties of *York*, *Cumberland* or *Lincoln*, and in the *Northampton* paper, when the lands are in the counties of *Hampshire* or *Berkshire*; any law or resolve to the contrary notwithstanding.

XL.

Resolve empowering the Treasurer to borrow money of the Bank, *one thousand and five hundred pounds*, and to pay a balance out of the first monies that shall come into the Treasury which was advanced for the exigencies of government. *February 20, 1787.*

Resolved, That the Treasurer be, and he hereby is empowered, to borrow of the President and Directors of the *Massachusetts-Bank*, the sum of *fifteen hundred pounds*, for the purpose of enlisting the men proposed to be raised for the suppression of, and defraying the expences incurred in the present Rebellion; the said money to be re-placed from the subscriptions on the loan of *forty thousand pounds*, the said Treasurer was empowered to borrow by an act passed the present session, which subscriptions shall be lodged with the said President and Directors, to be to them paid, until the said sum of *fifteen hundred pounds* is compleated; and the said Treasurer is further directed to pay out of the monies that shall first come into the Treasury, a balance due to the said Bank, which was advanced for the exigencies of government, and lent on the promise of being so paid.

XLI.

Resolve on the petition of *Lydia Spear*, an Indian woman, empowering her to sell land mentioned. *February 20, 1787.*

On the petition of *Lydia Spear*, an Indian woman, praying that the guardians of the said *Lydia* may sell eighteen acres of land belonging to the said *Lydia*, for reasons set forth in said petition:

Resolved, That the guardians of the said *Lydia* be, and they hereby are empowered, to sell the aforesaid land by public vendue or private sale, as they

they shall think best, and execute a good deed or deeds to the purchaser or purchasers of the aforesaid land : the money arising by said sale to be appropriated to use of the said *Lydia*, at the discretion of the said guardians ; said guardians to be accountable for said money.

XLII.

Resolve on the petition of *Stephen Jones*, and *Sarah Hill*, empowering the Administratrix to give a good deed of the land mentioned. February 20, 1787.

On the petition of *Stephen Jones* and *Sarah Hill*, praying that the said *Sarah* may be empowered to give and execute a deed of seven acres of land, in *Machias*, there numbered One, to them the said *Stephen* and *Ichabod Jones* ; for reasons set forth in said petition :

Resolved, That the said *Sarah*, Administratrix on the estate of her late husband, *Obediah Hill*, be, and she hereby is empowered, to give and execute a good and lawful deed of the land mentioned in the said petition, to them the said *Stephen* and *Ichabod*, upon their giving her the said *Sarah*, a deed of a mill, as mentioned in said petition, to the use of the heirs of the deceased, agreeable to the prayer thereof ; the said *Sarah*, to be accountable for the profits of said mill, to the heirs of the said *Obediah*, deceased.

XLIII.

Resolve on the petition of Lieut. *Bartlett Hinds*, and the invalids that are doing duty on *Castle-Island*, directing the Commissary of pensioners to certify to the Commanding-Officer the sum due, and the Commissary-General to furnish a blanket to each of them. February 21, 1787.

On the petition of Lieutenant *Bartlett Hinds* :

Resolved, That Lieutenant *Bartlett Hinds*, and the invalids that are doing duty on *Castle-Island* ; and also such other pensioners as may hereafter be called upon to do duty there (agreeably to a resolve of the General Court passed the eighth of *July* last) be paid according to the establishment made for the garrison on said *Castle-Island*, including their pensions : and the Commissary of pensioners is hereby directed to certify to the Commanding-Officer of the aforesaid garrison, the particular sum each invalid, doing duty in said garrison, receives per month as a pension ; and the said Commanding-Officer is directed, in making up the garrison rolls, to govern himself accordingly ; their pay to commence on the day they enter upon the *Castle*.

And it is further

Resolved, That the Commissary-General be, and he hereby is directed, to furnish each of said invalids with a blanket, if they desire it, the price of the same to be deducted out of their wages.

Resolve

XLIV.

Resolve requesting the Governour to forward to General *Lincoln*, six hundred and fifty pounds, to compleat the enlistment of men, and to advise General *Lincoln*, that an establishment for the officers is not yet determined upon; and to give orders respecting the money lodged in General *Warner's* hands. February 23, 1787.

Resolved, That his Excellency the Governour be, and he is hereby requested, to forward, agreeably to General *Lincoln's* proposals, the sum of six hundred and fifty pounds in specie, in order to compleat the enlistment of one thousand men, agreeably to a resolve of the General Court, passed the nineteenth instant. That his Excellency be, and he hereby is further requested, to advise General *Lincoln*, that an establishment for the officers is now under the consideration of the General Court, and will probably be soon made, and forwarded immediately after; and that he pay to the officers, who may engage, such sums as, in his opinion, may amount to the probable pay of half a month each, they being accountable.

Resolved, That his Excellency the Governour be requested to give such orders respecting the monies lodged in the hands of General *Warner*, as he may think proper.

XLV.

Resolve postponing the drawing of the Lottery for the sale of fifty Townships of land between *Penobscot* and *Schooduck* Rivers, to the third Wednesday in June next. February, 23, 1787.

Resolved, That the Lottery for the sale of fifty Townships of land between *Penobscot* and *Schooduck* Rivers, established by an act of the General Court, made and passed in November 1786, enacting that the said Lottery shall be drawn, in *Boston*, on the first Wednesday of March next, be and hereby is postponed, until the third Wednesday of June next, at which time and place, the said Lottery shall be drawn, any thing in said Act to the contrary notwithstanding.

XLVI.

Resolve for granting licences in the several counties where the Courts of General Sessions of the Peace, have been prevented from setting at the terms established by law. February 23, 1787.

I

Whereas

Whereas the Courts of General Sessions of the Peace in several of the counties within this Commonwealth, were prevented from sitting at the terms established by law for granting licences to innkeepers and retailers of spirituous liquors for the present year : Therefore

Resolved, That in each county within this Commonwealth, where licences have not been granted to innkeepers and retailers of spirituous liquors for the present year, the Justices of the Court of General Sessions of the Peace, at their sessions next to be holden in the said counties after the passing this resolve, be, and they are hereby respectively authorized and empowered, to grant licences to innkeepers and retailers of spirituous liquors, as they might by law have done at the licence term aforesaid, so as the following resolve be strictly adhered to.

And it is further *Resolved*, That no person shall be licenced by virtue of the foregoing resolve at any Court of General Sessions of the Peace, to be holden as aforesaid, until he shall produce satisfactory evidence to the said Court, that he has been, and is firmly attached to the Constitution of this Commonwealth, and shall take and subscribe the following oath :

I *A. B.* do swear, that I will bear true faith and allegiance to the Commonwealth of *Massachusetts*, and that I will to the utmost of my power, defend the Constitution and Government thereof, against traitorous conspiracies, and all hostile and violent attempts, whatsoever.

And no licenced person shall have his licence renewed, unless he shall also produce a certificate from the Collector of Excise of the same county, that he has paid his excise, up to the first day of *November* last.

And be it further *Resolved*, That all recognizances that were returnable into any Court of General Sessions of the Peace, which has been prevented from sitting as aforesaid, shall have day, and be proceeded upon at the next session of such Court, that shall be held after the passing of this resolve, in the same manner, as they might have been proceeded upon, at the term established by law for that purpose, had the said Court not then been prevented from sitting as aforesaid.

And it is further *Resolved*, That the Collectors of excise and impost in the several counties in this Commonwealth, be, and they hereby are directed, without delay, to collect all the duties and excise that remain due to them respectively ; and to prosecute according to law, all persons whatsoever, that sell without licence ; and all those persons, that do not obtain a renewal of their licence, and who neglect to settle with the Collectors.

XLVII.

Resolve for payment of the Members of the General Court, out of the specie part of the tax granted *March, 1786*, directing the Treasurer in this case. *February 23, 1787.*

Resolved,

Resolved, That the Treasurer be, and he hereby is directed, to pay the Members of the Honourable Council, and the Members of the General Court, for their travel and attendance the present session, and also the balances due on past pay-rolls to Members of Council, and of the General Court, out of the specie part of the tax granted in *March, 1786*, and appropriated for the support of government, or out of any the back taxes that are to be paid in specific articles, as they shall choose.

XLVIII.

Resolve establishing the pay of the Members of the General Court. *February 24, 1787.*

Resolved, That there be paid out of the Treasury of the Commonwealth, the sum of *eight shillings*, to each Member of the Hon. Council, and the sum of *seven shillings and six pence*, to each Member of the Hon. Senate, and the sum of *seven shillings*, to each Member of the House of Representatives, for each day they have respectively attended the Council, or the General Court, the present session; also the further sum of one day's pay for every ten miles distance each Member lives from this place.

And it is further *Resolved*, That there be granted and paid out of the Treasury of this Commonwealth, to the Hon. *Samuel Phillips, jun. Esq;* President of the Senate, the sum of *six shillings* per day; and to the Hon. *Artemas Ward, Esq;* Speaker of the House of Representatives, the sum of *six shillings* per day, for each day's attendance on the General Court at their present session, over and above their respective pay as Members thereof.

XLIX.

Resolve granting *two hundred pounds* to the Hon. *Nathaniel Gorham, Esq;* to enable him to go on to Congress. *February 22, 1787.*

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to the Hon. *Nathaniel Gorham, Esq;* the sum of *two hundred pounds*, he being about to proceed to Congress as one of the Delegates from this Commonwealth; he to be accountable for the same.

L.

Establishment for the pay of the officers in the service. *February 25, 1787.*

The Committee of both Houses, appointed to consider of, and report an establishment for the Officers in the service of the Commonwealth, beg leave to report the following,—and ask leave to sit again.

S T E P H E N C H O A T E, per order.
Major-General,

	£.	s.	d.		£.	s.	d.
Major-General,	30	0	0	Brigadier-General,	24	13	0
Adjutant-General,	24	0	0	Deputy-Adjutant-General,	15	0	0
Quart. Master-General,	15	0	0	Deputy-Quarter-Master,	10	0	0
Brigade-Major,	10	0	0	Aid-de-Camp,	10	0	0
Brigade-Quart. Master,	8	0	0	Colonel,	15	0	0
Lieutenant-Colonel,	12	0	0	Major,	10	0	0
Captain,	8	0	0	Lieutenant,	5	6	8
Ensign,	4	10	0	Adjutant,	6	13	4
Quarter-Master,	6	13	4	Surgeon,	11	0	0
Surgeon's-Mate,	5	6	8	Serjeant-Major,	2	14	0
Q. Master-Serjeant,	2	14	0	Drum-Major,	2	8	0
Fife-Major,	2	8	0	Clerk,	2	14	0

And that the same rations be allowed, as by the last establishment for the Continental army.

LI.

Report of the Committee on the Governour's message, refering the subject matter of the last requisitions of Congress, to the next General Court, for reasons mentioned. *February 26, 1787.*

The Committee of both Houses, appointed on the Governour's message of the fourteenth instant, respecting the last requisitions of Congress, have attended the service assigned them, and ask leave to report as their opinion, that considering this Commonwealth has been, and still is involved in a state of actual war, it is impracticable, immediately to order an assessment of the sums required of this State in that requisition, and that the same be referred to the next General Court. Which is submitted.

SAMUEL BAKER, per order.

Read and accepted.

LII.

Resolve on the petition of *Francis Dana, Esq.* *February 26, 1787.*

On the petition of *Francis Dana, Esq.* setting forth, that he is in danger of sustaining the loss of a considerable sum of money by the want of a proper provision in the act entitled, "an act for rendering processes in law less expensive," to prosecute any actions and suits against absconding debtors, their factors or agents, and praying that he may be authorized to commence any such action or suit against any absconding debtor, his factor, agent, trustee or attorney, and the same to prosecute to final judgment and execution, in the like manner and form, as he might have done in virtue of the laws of

of this Commonwealth in such cases provided, had not the above mentioned act been made, any thing therein to the contrary notwithstanding.

Resolved, That the prayer of the said petition be granted.

LIII:

Resolve of the House, requesting the Governour with advice of Council, to take such measures with Capt. *Moses Harvey*, as he may think proper. *February 26, 1787.*

The Governour having informed the House that Capt. *Moses Harvey*, a member of this House, is now in custody, on suspicion of favouring the present Rebellion :

Resolved, as the sense of this House, that his Excellency the Governour, with the advice of Council, be requested to take such measures respecting the said Capt. *Moses Harvey*, as his Excellency may think proper, the said *Harvey's* being a member of this House notwithstanding.

LIV:

Resolve directing the plantations called *Brownfield*, and *Francisboro'* in the county of *York*, of *Raymondston*, *Otisfield*, *Bridgtown*, in the county of *Cumberland*, and of the plantations of *Canaan*, No. 1, No. 3, No. 4, No. 5, No. 6, and No. 22, in the county of *Lincoln*, to choose three meet persons as assessors in each of said plantations, in *March* or *April* next, to take a valuation of all the rateable estate of every person in their respective plantations, and the Sheriffs of the counties of *York* and *Cumberland*, to stay executions; and the Secretary is directed to send a copy of this resolve to each of the plantations. *February 27, 1787.*

Resolved, That the plantations called *Brownfield* and *Francisboro'* in the county of *York*; of *Raymondston*, *Otisfield* and *Bridgtown*, in the county of *Cumberland*, and the plantations of *Canaan*, No. 1, No. 3, No. 4, No. 5, No. 6, and No. 22, in the county of *Lincoln*, be, and they hereby are directed, to choose three meet persons as assessors in each of the said plantations, in the month of *March* or *April* next, who are hereby ordered, after having been sworn faithfully to discharge the trust hereby assigned them, to take a valuation of all the rateable estate of every person in their respective plantations, also the number of polls, agreeably to the schedule, on which the last valuation was taken, and to require the same to be given on oath where they shall judge it necessary, which oath they are empowered to administer; and the same to return into the Secretary's Office, on or before the last day of *May* next, in order that the General Court may be enabled to make such abatements as the circumstances of the plantations aforesaid, and the situation of the Commonwealth, may require.

And it is further *Resolved*, That the Sheriffs of the counties of *York* and *Cumberland*, are hereby directed in the mean time to stay the executions they severally have against the plantations of *Raymondston*, *Brownfield*, and *Bridgtown*, for taxes. And the Secretary is hereby directed to send a copy of this resolve to each of the plantations named therein, together with a copy of the schedule, by which the last valuation was required to be returned.

LV.

Resolve on the petition of *Ebenezer Torrey*, discharging him of the penalty, on condition that he pay within one month from this date, *fifty pounds* in consolidated securities. *February 27, 1787.*

On the petition of *Ebenezer Torrey*, praying to be released from the penalty of *fifty pounds*, incurred by the non-appearance of *Joseph Mann Chever*, at the Supreme Judicial Court at *Boston*, in *February* last past, (the said *Joseph* being charged with a criminal offence) for whose appearance, the said *Ebenezer* was surety. And from which charge, the prosecutor released the said *Chever*, so far as it related to three fold damages.

Resolved, That the prayer of the said petition be so far granted, that the said *Ebenezer Torrey*, be, and hereby is discharged of the said penalty, on condition, that he shall pay into the Treasury-Office of this Commonwealth, within one month from this date, *fifty pounds* in the consolidated securities of this Commonwealth, and take duplicate receipts for the same, one of which to be lodged in the Secretary's-Office.

LVI.

Resolve authorizing any two Justices of the Peace, *quorum unus*, to admit to bail any persons confined in the goal in the counties of *Worcester*, *Hampshire* and *Berkshire*, being thereto requested by any commanding Officer in either of said counties, with a proviso, *February 27, 1787.*

Whereas it is expedient, under the present circumstances, that some persons be admitted to bail, who have been or may be confined in goal in the counties of *Hampshire*, *Worcester* and *Berkshire*, for treason or misprison of treason :

Resolved, That any two Justices of the Peace, *quorum unus*, in either of the counties abovementioned, be, and they hereby are authorized and empowered, if they shall think it expedient, and shall be thereto requested by any General Officer commanding the troops in either of the said counties, to admit to bail, any person confined or that may be confined as aforesaid, whose liberty shall not be thought dangerous to the public safety, such persons procuring

curing sufficient sureties for their appearance at the Supreme Judicial Court, next to be holden in such county, and for their keeping the peace, and being of good behaviour in the mean time.

Provided nevertheless, That nothing in this resolve shall be taken to authorize the enlargement of any person confined by warrant issued by the Governour with advice of the Council.

LVII.

Resolve allowing the Treasurer's accounts for the county of *York.* *February 27, 1787.*

Whereas it appears upon examination of the Treasurer's accounts for the county of *York,* that they are right case and well vouched, to *August A. D. 1786,* and that the monies therein charged were applied for purposes by law allowed: Therefore

Resolved, That the said accounts be accepted and allowed,

LVIII.

Grant of *fifty pounds* to General *Shepard,* out of the money borrowed of the Bank for sundry expenditures. *February 27, 1787.*

Resolved, That his Excellency the Governour be, and he hereby is requested, to send to Major-General *Shepard,* *fifty pounds* in specie, from the loan of *fifteen hundred pounds,* which was obtained for the purpose of enlisting of one thousand men; said *Shepard,* to be accountable therefor.

LIX.

Resolve on the petition of *Jonathan Hamilton,* empowering *John Hill,* Esq; to perambulate the lines between *Shapleigh,* and several strips and gores of land described in a plan, reported in *March, 1784,* and to examine into all trespasses, illegal entries, &c. and also the line between *Lebanon,* &c. *February 28, 1787.*

Resolved, That *John Hill,* Esq; be, and he is hereby empowered and directed, to perambulate the lines between *Shapleigh,* and several strips or gores of land described in a plan reported to the General Court, in *March, 1784,* by the Committee appointed by a resolve of *May first, 1781,* to examine into all trespasses and illegal entries, &c. as being lands then belonging to this Commonwealth, and also the line between *Lebanon,* and one of the said gores, in which are contained lands sold by a Committee of the General Court to *Samuel Andrews* and others; and the said *Hill,* is directed to ascertain the contents of the last mentioned strip or gore, and of one

one other gore, in which are contained lands sold by the said last mentioned Committee to *Morrison* and others; and to employ some able and disinterested Surveyor in the said business, who shall be under oath, in order more fully to determinè the real quantity of the two last mentioned strips and gores, and more particularly the contents of the lands, sold by the said last mentioned Committee to the said *Samuel Andrews* and to *Jonathan Hamilton*; and the said *Hill* is further directed, to appoint a time for the running of the said lines, and to give notice hereof to the Selectmen of *Shapleigh* and *Lebanon*, at least ten day beforehand, and to make report of his doings to the next General Court, sometime in its first sitting.

And the Secretary is directed to furnish the said *Hill*, with a copy of the plan above refered to, and of this resolve.

LX.

Resolve on the petition of *Thomas Porter*, directing the Treasurer to recall the execution mentioned. February 28, 1787.

On the petition of *Thomas Porter*, praying that he may be discharged from a fine of *eighty-five pounds thirteen shillings*, for reasons set forth in said petition.

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed, to recall the execution issued against the said *Thomas Porter*, and to proceed no further thereon, till the further order of this Court; *Provided*, That he the said *Thomas*, shall pay the charge that has arisen.

LXI.

Resolve establishing the pay of Cavalry and Artillery, called into the service of government. February 28, 1787.

The Committee of both Houses, appointed to report an establishment for the Officers called into service, ask permission to report further as follows.

STEPHEN CHOATE, per order.

Resolved, That whenever the Cavalry and Artillery, or any detachment thereof, are called into service, the officers and soldiers shall be paid for each month they shall continue in service, and in proportion for a longer or shorter term, agreeably to the following establishment: And the officers shall respectively be allowed the same rations, as were allowed to officers of the same rank in the Continental army, in the late war, *viz.*

Establishment

Establishment for the pay of the Cavalry.

	£.	s.	d.		£.	s.	d.
Colonel,	18	15	0	Lieut. Colonel,	15	0	0
Major,	12	0	0	Captain,	10	0	0
First & 2d Lieutenants each,	6	13	4	Cornet,	5	6	8
Adjutant,	6	13	4	Quarter-Master,	6	13	4
Trumpet-Major,	3	6	8	Surgeon,	12	0	0
Surgeon's Mate,	8	0	0	Serjeant,	3	15	0
Trumpeter,	3	0	0	Private,	2	10	0

Establishment for the pay of the Artillery.

Colonel,	20	0	0	Lieutenant-Colonel,	15	0	0
Major,	12	10	0	Captain,	10	0	0
Captain-Lieutenant,	6	13	4	First-Lieutenant,	6	13	4
Second-Lieutenant,	6	13	4	Adjutant,	6	13	4
Quarter-Master,	6	13	4	Surgeon,	12	0	0
Surgeon's Mate,	8	0	0	Serjeant-Major,	3	8	0
Quarter-Master-Serjeant,	3	8	0	Drum-Major,	3	10	0
Fife-Major,	3	10	0	Serjeant,	3	0	0
Bombadier,	2	14	0	Drummer,	2	12	0
Fifer,	2	12	0	Cannoneer,	2	10	0

Resolved, That pay-rolls be made out for such officers and soldiers belonging to the militia, as have been, or may hereafter be called into service, attested by proper officers upon oath, and presented to the Governour and Council for examination and allowance; and that the sums due to the officers and soldiers, whose names shall be borne upon such rolls, shall be paid out of the public Treasury, in manner heretofore practiced in paying officers and soldiers who have been employed in the service of this Commonwealth.

LXII.

MESSAGE from his Excellency the Governour, by the Secretary.
March 2, 1787.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

AGREEABLY to your desire, expressed in your resolve of the ninth of *February*, I wrote to our Delegates to inform Congress of the commotion, that had taken place in this Commonwealth; of the consequent declaration, that a Rebellion existed in it, and of the measures, that had been pursued for suppressing it. I also desired them to request Congress, that such measures might be taken, as they should judge proper, for the security of the Federal Arsenal at *Springfield*; in order that the troops of this State, then stationed there, might be employed in other service.

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By

By their answer, received by the last post, they inform me, that the Secretary at War, had ordered the troops, raised in *Connecticut*, under the resolutions of Congress, of the 20th of *October*, to repair to *Springfield*, for the protection of that Arsenal; that he had authority to direct those raised in *Massachusetts*, to take post at the same place; and that he should direct them so to do, as soon as *Massachusetts* shall make such provision, on the credit of the Union, as will enable him to effect that measure.

○ I transmitted to them a letter for the Governour of *New-York*, in which I enclosed our proclamation, offering a reward for apprehending certain Rebels; and requesting him to issue a like proclamation for the same purpose; and to take the most effectual measures in his power, for preventing the Rebels from obtaining any aid within his government.

† They say upon this head, they have reason to suppose, that the Legislature of *New-York*, to whom Governour *Clinton*, communicated my letters, will order that business to be conducted entirely conformable to the wishes of this government. I wrote similar and duplicate letters to the Governours of the neighbouring States, as far as *Pennsylvania*, inclusive of it; and the answers of such as have returned answers, have been communicated to you.

○ By the same post I received from Mr. *Townson*, a resolution of Congress, of the 11th of *February*, expressing the opinion of Congress that it is expedient a Convention of Delegates from the several States should be held on the second Monday of *May* next, at *Philadelphia*, for the sole and express purpose of revising the articles of the Confederation; and reporting to Congress, and the several Legislatures, such alterations, and provisions, as shall when agreed to in Congress, and confirmed by the States, render the federal Constitution adequate to the exigencies of Government, and the preservation of the Union.

The letters, Gentlemen, will be laid before you by the Secretary.

JAMES BOWDOIN.

COUNCIL-CHAMBER, March 2, 1787.

LXIII.

Resolve granting *one hundred and thirty-two pounds twelve shillings and two pence*, to the American Academy of Arts and Sciences, for certain purposes mentioned. March 1, 1787.

On the memorial of the President and Council of the American Academy of Arts and Sciences:

Resolved, That for the reasons set forth in said memorial, there be paid out of the State Treasury, by warrant from the Governour and Council, *one hundred and thirty-two pounds, twelve shillings and two pence*, lawful money, to be applied to the purposes, and in the manner expressed in said memorial, which, with *twenty-seven pounds seven shillings and ten pence*, already expended, is in lieu of *three hundred pounds* new-emption money, granted to said Academy, by a resolve passed the sixth of *July* 1781. Resolve

LXIV.

Resolve for paying *fifty pounds* to each of the Justices of the Supreme Judicial Court, and *thirty pounds* to the Attorney-General, to be paid out of the monies for subsisting the troops. *March* 1, 1787.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to the Justices of the Supreme Judicial Court, the sum of *fifty pounds* each, to enable them to proceed to the western counties agreeably to an act passed the present session of the General Court, they to be respectively accountable for the same.

Also *Resolved*, That there be paid out of the Treasury aforesaid, to *Robert Treat Paine*, Esq; the Attorney-General, the sum of *thirty pounds*, he to be accountable for the same; and the Treasurer is hereby directed to pay the aforesaid sums out of the money raised to pay and subsist the troops employed in subduing the present Rebellion.

LXV.

Resolve on the petition of *Isaiab Thomas*, directing the Treasurer to withdraw the action commenced against him. *March* 1, 1787.

On the petition of *Isaiab Thomas*, setting forth, that *Thomas Ivers*, Esq; Receiver-General of this Commonwealth, has commenced an action against him at the Court of Common Pleas, in the county of *Suffolk*, on the first Tuesday of *January*, 1786, which action is now pending, for a certain note or obligation given to the late Treasurer *Gardner*, in *June* 1775, for the sum of *thirty-six pounds*, and praying for relief therein: for reasons set forth in said petition.

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed, to cease and withdraw the action commenced against *Isaiab Thomas*, for *thirty-six pounds*, lawful money, at the Court of Common Pleas, in the county of *Suffolk*, and deliver up the said obligation to the said *Isaiab Thomas*.

LXVI.

Resolve granting *six pounds eight shillings and two pence*, to *John Hill*, Esq; a balance due to the Committee for selling land in the county of *York*.
March 1, 1787.

Resolved That there be allowed and paid unto *John Hill*, Esq; out of the public Treasury, from that part of the specie tax, No. 5, appropriated for the support of government, the sum of *six pounds, eight shillings* and

and *two pence*, which will be in full for the balance due to the Committee for the sale of certain strips and gores of land in the county of *York*, as by their account exhibited to the General Court, *February 21, 1787*.

LXVII.

Resolve on the petition of *David Peirce*, directing the Collector to deliver the shallop and fugar, he paying costs. *March 1, 1787*.

On the petition of *David Peirce*, praying that the shallop called the *Polly*, with twenty one barrels of fugar, lately seized by the Collector of Impost and Excise for the county of *Suffolk*, may be delivered up to him, for reasons set forth in his said petition :

Resolved, That the said Collector, be, and he is hereby authorized and directed, to deliver the said shallop and fugar, to the said *Peirce*, or his order, he paying the legal costs that may have arisen in consequence of the said seizure, and that all further prosecution thereon shall cease.

LXVIII.

Resolve allowing the county Treasurer's account for the county of *Worcester* ; and granting a tax. *March 1, 1787*.

Whereas it appears upon examination of the Treasurer's accounts for the county of *Worcester*, that all the monies granted and allowed by the Court of General Sessions of the Peace for the said county, were expended for such purposes as are authorized by law :

Therefore *Resolved*, That the said accounts be allowed.

And whereas it appears from an estimate of the Justices of the Court of General Sessions of the Peace of the said county, made on the first Tuesday of *December, A. D. 1786*, that the sum of *sixteen hundred and sixty pounds*, will be necessary for defraying the charges of the said county for the year next ensuing :

Therefore *Resolved*, That there be, and hereby is granted a tax of *sixteen hundred and sixty pounds*, to be apportioned and assessed on the inhabitants of the said county and estates lying within the same, and collected, paid and applied for the use of the said county, according to the laws of the Commonwealth.

LXIX.

Resolve on the petition of *John Avery, jun. Esq;* Secretary, granting him *one hundred and ten pounds* for his services from *June, 1785*, to *June, 1786*. *March 1, 1787*.

Resolved,

Resolved, That there be paid out of the public Treasury, to *John Avery*, jun. Esq; Secretary of this Commonwealth, the sum of *one hundred and ten pounds*, which in addition to the sum of *one hundred and forty pounds*, which he has received as fees in his office, shall be in full for his services from the first day of *June, 1785*, to the first day of *June, 1786*.

LXX.

Resolve on the petition of *John Bischo*, to enter a complaint for the affirmation of a certain judgment at the Supreme Judicial Court; he giving notice to *Aaron Hunt* thereof. *March 1, 1787.*

On the petition of *John Bischo*, of *Spencer*, in the county of *Worcester*, praying for liberty to enter a complaint for the affirmation of judgment against one *Aaron Hunt*, of said *Spencer*, at the next Supreme Judicial Court, to be holden at *Worcester*, within and for the county of *Worcester*, on the Tuesday next preceeding the last Tuesday of *April* next :

Resolved, That the said *John* have liberty to enter a complaint for the affirmation of the said judgment at the said next Supreme Judicial Court; and the Justices of the said Court are hereby authorized to sustain, and take cognizance of the same, and to affirm the said judgment, if they see cause, and to have the same proceedings therein, as if the complaint had been on an appeal to the said Court in the regular and ordinary course of law: The petitioner giving notice to the said *Aaron*, fourteen days previous to the sitting of the said Court.

LXXI.

Resolve on the petition of *John Moore*. *March 2, 1787.*

On the petition of *John Moore*, praying that he may be allowed to discharge an execution against him, in favour of the Commonwealth, for the sum of *seventy-five pounds*, either in goods at an apprized value, or in public securities :

Resolved, That the prayer of the petition be so far granted, that the petitioner paying costs of Court and Sheriff's fees in specie, be permitted to pay and discharge said execution, in the securities of this Commonwealth, that are now become payable.

LXXII.

Resolve on the petition of *Jeremiah Hill*, Esq; in behalf of *Aaron Gray*, directing the Treasurer to pay said *Hill*, and *John Smith*, the sums, which appear due on the several forged orders. *March 2, 1787.*

On the petition of *Jeremiah Hill*, Esq; in behalf of *Aaron Gray* and *Jacob Hooper*, also on the petition of *John Smith*, representing that their wages, amounting to *one hundred and fifty-four pounds six shillings*, have been paid on a forged receipt and two forged orders, and praying the consideration of this Court :

Resolved, That the Treasurer be, and he is hereby directed, to pay out of the public Treasury to the said *Aaron Gray*, *Jacob Hooper* and *John Smith*, or order, the sums which may appear to be severally due to them, in the same manner as he would have done if the wages had not been paid on the receipt and orders aforesaid.

LXXIII.

Resolve for the abatement of a fine laid upon the town of *Lynn*. *March 2, 1787.*

On the petition of *John Carnes*, in behalf of the town of *Lynn* and district of *Lynnfield* :

Resolved, That the sum of *four hundred and sixteen pounds*, be, and hereby is abated to the town of *Lynn*, and district of *Lynnfield*, out of the tax No. 3, for the year 1783, according to the proportion they bear to each other, in the said tax, from the monies due to the Commonwealth, over and above the sum that was abated to the said town and district; the fifteenth of *March, 1785*, as a fine for the deficiency of five men, and *forty-nine pounds, ten shillings*, being the *ten per cent.* allowed in the militia act for the charge and trouble attending the assessing and collecting of the Quakers money, so called, in the said town and district, agreeably to the aforesaid petition.

LXXIV.

Resolve on the petition of the Selectmen of the town of *Holden*, empowering said town to choose a Collector to compleat the collection mentioned. *March 2, 1787.*

On the petition of the Selectmen of the town of *Holden*, representing that *Aaron Broad*, who was chosen Collector of the public taxes for the year 1786, was taken up on a State warrant, and committed to prison, and praying the said town may be empowered to choose another Collector or Collectors, to collect the said taxes : for reasons set forth in said petition,

Resolved, That the said town of *Holden*, be, and they are hereby empowered, to choose a Collector or Collectors to compleat the collection of the

the taxes committed to the said *Aaron Broad*, at the annual meeting to be held in the months of *March*, or *April*, or at any other legal meeting duly warned by such person; as the Selectmen shall appoint for that purpose.

LXXV.

Resolve on the petition of the Selectmen of the town of *Woolwich*, abating the last paper tax in said town, and directing the Treasurer in this case. *March* 2, 1787.

On the petition of the Selectmen of the town of *Woolwich*, in the county of *Lincoln*, praying for the abatement of the last paper tax of the old emission, and for beef-taxes yet unpaid, as set forth in their petition :

Resolved, That the prayer of said petition be so far granted, as that there be abated to said town the paper-tax aforesaid, consolidated to *eighty-six pounds ten shillings* ; also the further sum of *sixty-three pounds ten shillings*, on two beef-taxes, both amounting to the sum of *one hundred and fifty pounds* ; and the Treasurer is hereby directed to govern himself accordingly; any law or resolve to the contrary notwithstanding.

LXXVI.

Resolve on the petition of *Dummer Sewall*, granting him *eighteen pounds*. *March* 2, 1787.

On the petition of *Dummer Sewall*, setting forth, that he served as a Muster-Master, in the county of *Lincoln*, and praying for an allowance for said services :

Resolved, That there be allowed and paid to *Dummer Sewall*, out of the Treasury of this Commonwealth, the sum of *eighteen pounds thirteen shillings*, which is in full for his services as aforesaid.

LXXVII.

Resolve on the petition of *Charles Knowles*, and others, late regimental Pay-Masters for this State's quota of the Continental army, granting them *one hundred and twenty pounds* each. *March* 2, 1787.

On the petition of *Charles Knowles* and others, late regimental Pay-Masters for this State's line of the Continental army, appointed agreeably to resolves of Congress of *November* the third, 1783, and *May* the twenty-seventh, 1785 :

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to the said *Charles Knowles*, *Samuel Mellish*, *Robert Williams*, *Nathaniel Coit Allen*, *Benjamin Haywood*, *Samuel Armstrong*, *Joseph Tucker* :

Tucker and Thomas Hollis Condy, the sum of *one hundred and twenty pounds* each, in full compensation, for their time, travel and expences, in performing the business of their several appointments, as aforesaid—And that the same be charged to the United States.

LXXVIII.

Resolve on the petition of *John Hunt*, declaring valid a certain judgment, *March 2*, 1787.

On the petition of *John Hunt*, praying, for reasons set forth in said petition, that a judgment he recovered against *Ezra Jewell*, at a Court of Common Pleas holden at *Concord*, within and for the county of *Middlesex* in *March* last, may remain in full force and virtue, notwithstanding a resolve passed the General Court the twenty first day of *October* last, vacating the said judgment, and granting the said *Ezra Jewell* liberty to re-enter said action at the Court of Common Pleas to be holden at *Cambridge*, within and for said county of *Middlesex*, in *November* last.

Resolved, That the said judgment of Court obtained by the said *John Hunt*, against the said *Ezra Jewell* at the said Court of Common Pleas held at *Concord* as aforesaid, and the execution and doings thereon, be, and hereby are declared valid and good in law to all intents and purposes, as it would have been, had not the said resolve vacating said judgment, and granting liberty to re-enter his action, passed.

LXXIX.

Resolve on the petition of *Jonathan Mitchell*, granting him *seven pounds twelve shillings*. *March 2*, 1787.

On the petition of *Jonathan Mitchell*, setting forth, that he served as a Muster-Master in the county of *Cumberland*, and praying for an allowance for said services.

Resolved, That there be allowed and paid to *Jonathan Mitchell* out of the Treasury of this Commonwealth, the sum of *seven pounds twelve shillings*, which is full for his services as aforesaid.

LXXX.

Resolve on the petition of *John Chaloner*, granting him *fifteen pounds*, and directing the Delegates of this State in Congress to represent the case of the said *Chaloner*, that a pension may be settled upon him. *March 3*, 1787.

On the petition of *John Chalon*, setting forth, that while he was acting in the capacity of a Serjeant of artillery, under the command of Major-General *Shepard* at *Springfield*, in defence of the Continental Magazine, he had the misfortune to lose both his arms, and his eye sight, and was otherwise greatly maimed :

Resolved, That there be paid out of the Treasury of this Commonwealth to the said *John Chalon*, the sum of *fifteen pounds* in specie,—and that the expence of curing the wounds of the said *Chalon*, be paid by this Commonwealth in the first instance.

Resolved, That the Delegates of this Commonwealth in Congress, be, and they are hereby directed, to represent to Congress the miserable situation to which *John Chalon* is reduced by the loss of his arms and his eye sight, in the service aforesaid, and that they endeavour that a suitable pension be settled by Congress on the said *Chalon*,—and that the charges incurred on this occasion, may be allowed to this Commonwealth by the United States.

LXXXI.

Order requesting the Governour to write to General *Lincoln*. *March 3, 1787.*

Ordered, That his Excellency the Governour be, and he hereby is requested, to acquaint Major-General *Lincoln*, that, at this important crisis, it is necessary that he remain in the immediate command of the troops in the western counties, and to give his directions accordingly.

LXXXII.

Order expressive of the General Court's approbation of the conduct of General *Lincoln*, and the troops under his command, and requesting the Governour to inform him thereof. *March 3, 1787.*

Ordered, That his Excellency the Governour be, and he is hereby requested, to express to Major-General *Lincoln*, that the Legislature entertain a high sense of the spirit, patriotism and distinguished merit of the officers and soldiers, who at the call of their country, have, with a cheerfulness peculiar to great and good minds, exerted themselves in defence of the rights and privileges secured to the citizens of this Commonwealth by our happy constitution. The Legislature congratulate their brethren in arms, on the success that has crowned their virtuous exertions for the suppression of the late lawless insurrection and rebellion.

LXXXIII.

Resolve on the petition of the inhabitants of the plantation called *Lewis-town*, directing the Treasurer to credit the plantation with the sum mentioned. *March 3, 1787.*

Resolved, That the prayer of the petition of the inhabitants of *Lewis-town*, be so far granted, that the Treasurer of this Commonwealth be, and he is hereby directed, to credit the plantation called *Lewisstown*, in the county of *Lincoln*, the sum of *one hundred and fifty pounds*, on the several state taxes lying against the said plantation, previous to the year one thousand seven hundred and eighty-four; any law or resolve to the contrary notwithstanding.

LXXXIV.

Resolve on the petition of *Jedediah Jewett* and others, directing the Treasurer to credit the town of *Pittston*, with the sum mentioned. *March 3, 1787.*

Resolved, That the prayer of the petition of *Jedediah Jewett* be so far granted, that the Treasurer of this Commonwealth be, and he is hereby directed to credit the said town of *Pittston*, the sum of *one hundred and fifty-five pounds thirteen shillings*, on the beef tax, assessed on said town, any law or resolve to the contrary notwithstanding.

LXXXV.

Resolve excusing all persons, who are preparing themselves by studies, to enter College, from all military duty, they producing a certificate from their instructors. *March 5, 1787.*

Resolved, That all persons who are, or may be preparing themselves by studies, under instructors of sufficient knowledge in the learned languages, to enter the University at *Cambridge*, or any College, be, and they hereby are excused from all military duty and service, they producing a certificate from such instructor, of their being as aforesaid employed, their age exceeding sixteen years notwithstanding.

LXXXVI.

Resolve on the petition of *Samuel Brown* and others. *March 5, 1787.*

On the petition of *Samuel Brown* and others :

Whereas

Whereas the Court is not yet ascertained that *Samuel Brown* and his associates have purchased of the natives their right to the lands lying between *Chenango* and *Owego* Rivers ; and if this had been done, the account of the purchase money, and expences which has been exhibited, is not supported by the necessary vouchers :

Resolved, That this Court cannot act upon his petition.

LXXXVII.

Resolve empowering the Justices of the Supreme Judicial Court, to appoint an assistant to the Attorney-General in the western circuit. *March* 5, 1787.

Resolved, That the Justices of the Supreme Judicial Court, at their next Sessions in the counties of *Berkshire*, *Hampshire*, *Worcester* and *Middlesex*, respectively, be, and hereby are authorized and empowered, to appoint some person or persons, as assistant to the Attorney-General, in case it shall appear to them, that the criminal business renders such appointments expedient.

LXXXVIII.

Resolve allowing the County Treasurer's accounts for the county of *York*, and granting a tax of *two hundred pounds*, to be laid on the inhabitants. *March* 5, 1787.

Whereas the Treasurer's accounts for the county of *York*, are accepted and allowed : And whereas it appears from an estimate of the Justices of the county of *York*, made on the second Tuesday of *October* 1786, that the sum of *two hundred pounds* will be necessary for defraying the charges of the said county for one year then next ensuing : Therefore

Resolved, That there be and hereby is granted a tax of *two hundred pounds*, to be apportioned and assessed on the inhabitants of the said county and estates lying within the same, and collected, paid and applied for the use of the said county, according to the laws of the Commonwealth.

LXXXIX.

Resolve requiring the Paymasters of the Continental Army, to make returns of the final settlement notes into the Secretary's office, on the first of *June* next ; and on neglect no allowance to be made them, and directing the Secretary to publish this resolve. *March* 5, 1787.

Resolved, That all Paymasters of the *Massachusetts* line of the late Continental Army, who have not delivered to the Secretary the certificates of the balances, which upon a final settlement were found due to that part of the

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the said army, for which they are respectively Paymasters, be, and they are hereby required, to make returns of the whole of said final settlements, which they have remaining in their hands, into the Secretary's office, on or before the first day of *June* next, taking duplicate receipts therefor, one of which to be lodged with the Treasurer of the Commonwealth.

And it is further *Resolved*, That those Paymasters, who neglect to comply with this resolve, shall not be intitled to receive an allowance of pay for their services in the trust in which they have been employed : And the Secretary is directed to publish the above resolve three weeks successively, in the public news-papers as by law directed.

XC.

Resolve on the petition of the town of *Provincetown*, in the county of *Barnstable*, abating the sums assessed on them since the last valuation, and that no further assessments be made on them, till further order. *March 5, 1787.*

Whereas it appears, on the petition and memorial of the town of *Provincetown*, in the county of *Barnstable*, and from an enquiry into facts, that the said town has not been assessed for a number of years past, on account of their situation, and disability, and by a return of their polls and rateable property, that their present circumstances will not admit of their being now taxed : Therefore,

Resolved, That the town of *Provincetown*, in the county of *Barnstable*, be, and they are hereby abated the sums assessed on them since the last valuation, being the sum of *one hundred and fourteen pounds thirteen shillings and nine pence* ; and that no further assessments be made on them, until the further order of the General Court.

XCI.

An address to remove from office *William Whiting*, and others. *March 5, 1787.*

To his Excellency JAMES BOWDOIN, Esq; Governour and Commander in Chief of the Commonwealth of *Massachusetts*.

May it please your Excellency,

The two Houses of Legislature, being authorized by the constitution, to address your Excellency to remove from office such persons, as they shall deem unworthy of sustaining the offices, to which they have been appointed; and it appearing to them, that *William Whiting*, of *Great-Barrington*, in the county of *Berkshire*, first Justice of the Court of Common Pleas, and a Justice of the Peace for said county ; *James Perry*, of *Easton*,

Easton, in the county *Bristol*, a Justice of the Peace in the last mentioned county, and *Reuben Taft*, of *Uxbridge*, in the county of *Worcester*, and one of the Coroners for the said county of *Worcester*, have in the late unhappy Rebellion, conducted in a manner, derogatory to government, and disgraceful to themselves. They have therefore thought proper to request, and do hereby request your Excellency, by and with the advice and consent of Council, to remove the said *William Whiting*, *James Perry*, and *Reuben Taft*, from their respective offices aforesaid.

XCII.

Resolve directing the several Collectors of Impost and Excise not to receive any payments of duties in Treasurer's orders, unless &c. *March 5, 1787.*

Whereas by an act for appropriating the revenue, arising from the duties of Impost and Excise, passed the seventeenth of *November, 1786*, it is provided, that one third part thereof shall be annually paid into the Treasury of this Commonwealth for the exigencies of government : And whereas the demands of government are now such, as to make it necessary that the specie part of said duties be paid into the Treasury as soon as possible.

Resolved, That the several Collectors of Impost and Excise within this Commonwealth, shall receive one third part of all duties of Impost and Excise, that may have become due since the first day of *January, 1787*, or may hereafter become due, in specie only. And the other two thirds in orders or certificates of the Treasurer of this Commonwealth, if they are presented, provided that the one third part be paid in specie, at the same time, and not otherwise.

XCIII.

Resolve on the petition of *Thomas Heyward*, directing the Treasurer to pay *thirty pounds two shillings*, the forged order notwithstanding. *March 6, 1787.*

On the petition of *Thomas Heyward*, late a soldier in *Col. Bailey's* regiment, in the year 1780, who was intitled to *twenty-seven pounds seven shillings and six pence*, for such service ; and the further sum of *two pounds fourteen shillings and six pence*, which sums he finds on enquiry, have been drawn by a *John Allen*, on a forged order ; and praying relief ; for reasons set forth in the said petition :

Resolved, That the prayer of said petition be granted, and that the Treasurer of this Commonwealth, be, and he is hereby directed, to pay out of the

the Treasury, to the said *Thomas Hayward*, the sum of *thirty pounds two shillings*, in the same way and manner other soldiers who served at the same time were paid, the said wages being drawn by a forged order notwithstanding.

XCIV.

Resolve on the petition of *Joseph Henderson*, reversing the judgment mentioned, and granting him a new trial *March 6, 1787.*

On the petition of *Joseph Henderson*, praying a judgment obtained against him, by the judgment of Mr. Justice *Quincy*, at the suit of *William Storey*, of *Boston*, on two notes of hand, may be set aside, and a new trial ordered thereon, for reasons set forth in said petition :

Resolved, That the said judgment be, and hereby is reversed, and declared to be null and void, and that a new trial may be had on the case aforesaid, the parties having agreed to the same.

XCV.

Resolve on the petition of *Jabez Fisher, Esq;* agent for the town of *Franklin*, granting *thirteen pounds nineteen shillings and six pence*, for beef procured at earlier periods than required. *March 6, 1787.*

On the petition of *Jabez Fisher, Esq;* agent for the town of *Franklin*, praying for an allowance made to them for their procuring their quota of beef at earlier periods than they were required by a resolve of the General Court, of *June 22, 1781* :

Resolved, That there be paid out of the public Treasury of said Commonwealth, to *Jabez Fisher, Esq;* for the use of said town of *Franklin*, the sum of *thirteen pounds nineteen shillings and six pence*, in full compensation to them for their complying with a conditional promise made by the aforesaid resolve.

XCVI.

Order on the petition of *William Harris* and *David Morey*, directing the Treasurer to pay the Clerks in the Secretary's Office. *March 6, 1787.*

On the petition of *William Harris* and *David Morey*, Clerks in the Secretary's Office, praying that some method may be adopted to enable them to obtain their wages :

Ordered, That the Treasurer be, and he hereby is directed, to pay to the said *William Harris* and *David Morey*, and to the other Clerks in the Secretary's

Secretary's and Treasurer's Office, six months pay, when it shall be due, out of the specie part of the tax granted by the General Court, in *March, 1786.*

XCVII.

Resolve allowing the county Treasurer's accounts for the county of *Plymouth*, and making him accountable for the balance. *March 6, 1787.*

Whereas it appears from the Treasurer's accounts for the county of *Plymouth*, that the monies granted and allowed by the Court of General Sessions of the Peace for said county, were for such purposes and appropriations as the law empowered said Court to provide for; and that the said accounts are right cast, and well vouched; and that upon the eighteenth of *December, 1786*, there remained in the hands of Collectors in outstanding taxes, *five hundred and eighty pounds, seventeen shillings, and two pence, three farthings.* Therefore

Resolved, That said accounts be allowed; the said Treasurer being accountable for the balance that remains due, in some future settlement.

XCVIII.

Resolve on the petition of the town of *Dedham*, empowering the Court of General Sessions for *Suffolk*, to order a Bridge over *Charles-River*, in said town, to be re-built, and assess certain towns for payment. *March 6, 1787.*

On the petition of the town of *Dedham*, setting forth, that a Bridge over *Charles-River*, in said town, has heretofore been built by adjacent towns, by order of the Court of General Sessions; and that the law for that purpose has expired:

Therefore *Resolved*, That the Court of General Sessions for the county of *Suffolk*, be, and they hereby are empowered and directed, to order that the said Bridge be re-built, and to assess the charge thereof on the towns of *Dedham, Needham, Medfield*, and the district of *Dover*, as they shall judge right and equal, having regard to their local situation.

XCIX.

Resolve directing the Hon. *John Hancock, Esq.* to deliver a certain note, signed by *Michael Hillegas*, to the Treasurer; and the Treasurer to give a full discharge for the same. *March 6, 1787.*

Whereas the Hon. *John Hancock, Esq.* has repeatedly acquainted the Legislature of this Commonwealth, that there is a considerable sum due
on

on a note of hand, the property of this Commonwealth, dated *Philadelphia, April 16th, 1776*, for *twenty-five thousand dollars*, signed by *Michael Hillegas*, and payable to the said *John Hancock*, and requested their directions thereon :

Resolved, That the said *John Hancock, Esq;* deliver the said note of hand to the Treasurer of this Commonwealth, and enable the said Treasurer, by his power of Attorney, to recover the balance due thereon, for the use of this Commonwealth ; and that the said Treasurer, upon receiving the said note and power, be, and he is hereby directed to give the said *John Hancock, Esq;* a full discharge from any demand, on account of the balance due on said note.

Resolve on the petition of *Moses Fogg*, directing the Treasurer to pay the wages due to him, the forged order notwithstanding. *March 6, 1787.*

On the petition of *Moses Fogg, jun.* representing that the notes due to him for his service in *Capt. Amos Lincoln's* company, in the years 1781, 1782 and 1783, have been drawn by a certain *Daniel Godfrey*, on a forged order, and praying the consideration of this Court :

Resolved, That the prayer thereof be granted, and that the Treasurer be, and he is hereby directed, to pay out of the Treasury, to the said *Moses Fogg, jun.* in notes, the wages due to him, in the same manner he would have done, if they had not been drawn by a forged order.

CI.

Resolve on the petition of *Josiah Bemis, jun.* liberating him from goal on certain conditions. *March 6, 1787.*

On the petition of *Josiah Bemis, jun.* now committed to the common goal for the county of *Suffolk*, on two judgments in favour of the Commonwealth, in the whole amounting to *one hundred and fourteen pounds five shillings and two pence* ; declaring that he hath not now any property to satisfy the same, and praying to be released from his imprisonment, &c.

Resolved, That on the said *Bemis's* making and signing his promissory-note to *Thomas Ivers, Esq;* Treasurer, and his successor in office, for the sum of *one hundred and fifteen pounds five shillings and two pence*, being the contents of said judgments and costs of executions thereon, and commitment, payable on demand, with interest till paid, and delivering the same to the keeper of the said goal, and paying prison charges, he be liberated from his imprisonment on the aforesaid judgments ; and the said

keeper :

keeper of the goal, is hereby directed to deliver the said note to the Treasurer, and file an attested copy of this resolve in the Clerk's office, with the executions by virtue of which the said *Bemis* was committed.

CII:

Resolve requesting the Governour to write to the Governour of *New-York*, in the most pressing terms, for the apprehending certain persons who have fled to that State, that have been concerned in the late rebellion, and to request our forces may be permitted to march within the limits of his jurisdiction. *March* 6, 1787.

Whereas in the third article of the Confederation of the United States, it is expressly declared, that, "The said States hereby enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade; or any other pretence whatever."

And in the fourth article of the same Confederation, it is also expressly declared, that, "If any person guilty of, or chargeable with treason, felony, or high misdemeanour in any State, shall flee from justice, and be found in any of the United States, he shall upon demand of the Governour or executive power of the State, from which he fled, be delivered up, and removed to the State, having jurisdiction of his offence."

And whereas a Rebellion has by the Legislature, been declared to exist, and still exists within this Commonwealth, and a number of the leaders, and others concerned therein, have fled from justice into the State of *New-York*, and from thence have made incursions and depredations on the citizens of this Commonwealth; and it is of the highest consequence to this Commonwealth, and to the State of *New-York*, immediatly, and in its effects to the United States, that the said leaders and others should be apprehended, secured and brought to justice as speedily as possible.

Therefore Resolved, That the Governour be, and he is hereby requested, immediatly to write to the Governour of *New-York*, by express, urging him in pressing terms, that the most speedy and effectual measures may be taken by the authority of that government, for the apprehending and securing such offenders as aforesaid, who have fled from this Commonwealth, and taken refuge within the limits of that government, and transmitting them to the authority of this Commonwealth, conformably to the aforesaid articles of the Confederation: And further to request the Governour of *New-York*, to permit the forces of this Commonwealth, to march within the limits of his jurisdiction, when it shall be judged necessary by the Commanding-Officer of the said forces, for the purpose above-mentioned;

mentioned; and to direct and require all officers, civil and military, and the good citizens of that State, to afford to the said forces such countenance, aid and comfort, as their circumstances may render necessary; and that he will strictly enjoin upon all persons under his government, not to harbour, conceal, or in any way assist any of the said offenders.

CIII.

Resolve on the petition of the Selectmen of the town of *Lebanon*, repealing a resolve for assessing the inhabitants of said town, and abating said town *seventy-four pounds one shilling and eight pence*, for a fine laid on said town. *March 6, 1787.*

On the petition of the Selectmen of the town of *Lebanon*, setting forth, that by order of Court, the said town of *Lebanon* did, from the year 1779, to the year 1781, assess the inhabitants of the plantation called *Shapleigh-ton*, adjacent to said *Lebanon*, in several taxes; but upon application to the Court of Sessions the said adjacents were abated *one hundred and six pounds*, which sum was to be assessed on the inhabitants of *Lebanon*; and further setting forth, that the town of *Lebanon*, was fined the sum of *seventy-four pounds one shilling and eight pence*, for deficiency of one soldier supposed to be more than their due proportion; for reasons set forth in their petition:

Resolved, That the resolve for assessing the inhabitants of the town of *Lebanon*, the sum of *one hundred and six pounds*, be, and hereby is repealed, and that the said town of *Lebanon*, be, and hereby is abated *seventy-four pounds one shilling and eight pence*, being a fine set on said town for a deficiency of one man; and the Treasurer of the Commonwealth, be, and hereby is directed, to credit said town of *Lebanon* accordingly.

CIV.

Resolve on the petition of *Gordon Hutchins*, entitling him to the same process in the premises; as he would have had, had the writ of execution been duly returned. *March 7, 1787.*

Whereas it appears to this Court, that a writ of execution which issued on a judgment recovered by *Levi Willard, Jonas Cutler, and Gordon Hutchins*, against the Administrators on the estate of *Isbamer Hubbell*, before the Inferior Court of Common Pleas for the county of *Berkshire*, *April term 1765*, was levied on real estate, but hath been lost or mislaid; and as the said *Gordon*, the only survivor of the said creditors, hath petitioned for the interposition of this Court, in the premises:

Therefore

Therefore *Resolved*, That the said *Gordon Hutchins*, be, and he hereby is entitled to the same legal process and remedy in the premises, as he would have been, had the said last writ of execution been duly returned wholly unsatisfied; any law to the contrary notwithstanding.

CV.

Resolve on the petition of *William Parsons*, empowering the Administrators to prosecute any person in any action, real, personal, or mixed, to all intents, as such Administrator might if he was legally appointed to the estate of the intestate by the Judge of Probate of wills. *March 7, 1787.*

On the petition of *William Parsons, of Sandford*, in the county of *York*, Administrator on the estate of *Edward Parsons, of New-Market*, in the State of *New-Hampshire*, Esq; deceased, praying to be empowered to sell the real estate of the deceased, which lies within this Commonwealth, and to act as an Administrator in other respects:

Resolved, That the said *William*, in his said capacity, be, and he hereby is empowered, to make sale of all the real estate whereof the intestate died seized within this Commonwealth, for the most the same will fetch, and to make and duly execute a good and sufficient deed or deeds of the same, the said Administrator first giving bond to the Judge of Probate of Wills, &c. for the county of *York* aforesaid, to observe such rules and orders as the laws of this Commonwealth enjoin on Administrators in the sale of real estates, and to account with the Judge of Probate of Wills, &c. for the county of *Rockingham*, in the State of *New-Hampshire* aforesaid, for the proceeds of all such estate as he shall dispose of, by virtue of this resolve.

And it is further *Resolved*, That the said Administrator, be, and he hereby is empowered, to prosecute any person or persons in any action, real, personal or mixed, as fully and amply to all intents and purposes, as such Administrator might or could prosecute the same, if he was duly and legally appointed Administrator to the estate of the intestate by the Judge of Probate of Wills, &c. for any county within this Commonwealth.

CVI.

Resolve on the petition of *Benjamin Lincoln, jun.* to notify the adverse party to shew cause &c. suspending judgment, and staying execution. *March 7, 1787.*

On the petition of *Benjamin Lincoln, jun.* Attorney to *Stephen Hussey* and *Jonathan Jenkins*, Administrators of the estate of *Abraham Pease*, deceased. *Resolved*

Resolved, That the prayer of the said petition be so far granted, that the said *Huffey* and *Jenkins*, notify the said *Parker*, by serving him with an attested copy of the said deceased's, and the said *Lincoln's* petition, and the several orders thereon taken, fourteen days before the second Wednesday of the next sitting of the next General Court, then to appear, and shew cause, if he have any, why the prayer should not be granted, and in the mean time, that the judgment recovered upon the default of the said *Pease*, be suspended, and execution be stayed.

CVII.

Resolve on the petition of *Jeremiah Colburn*, directing a discharge in the Treasury for the sums mentioned, and the Treasurer directed to deliver a certificate thereof. *March 7, 1787.*

Whereas it appears to this Court, that *Jeremiah Colburn*, served as a Lieutenant, under *Waterman Thomas*, Esq; at the siege of *Penobscot*, and rendered other services to this Commonwealth, in the year 1779, for which he hath received no compensation :

Resolved, That there be paid out of the public Treasury, to the said *Jeremiah Colburn*, the sum of eight pounds, in full for his pay as a Lieutenant, under Captain *Thomas*, and four pounds ten shillings, for his time and expences in performing a journey from *Penobscot-River* to *Boston*, in the month of *July*, 1779, and for his services with the *Penobscot* Indians.

And it is further *Resolved*, That on the said *Colburn's* giving a discharge in the Treasury for the aforesaid sums of eight pounds, and four pounds ten shillings, the Treasurer be, and he is directed, to deliver him a certificate thereof, which certificate shall be received as so much specie in payment of any lands belonging to this Commonwealth, which the said *Colburn* may purchase of the Committee for the sale of unappropriated lands in the county of *Lincoln*; and the said Committee are hereby directed to govern themselves accordingly.

CVIII.

Resolve on the petition of *Jeremiah Lord*, directing the Treasurer to pay the wages due to him; the forged order notwithstanding. *March 7, 1787.*

On the petition of *Jeremiah Lord*, representing, that the notes due to him for his service in the late American army, have been drawn by Capt. *Daniel Pillsbury*, on a forged order, and praying the consideration of this Court :

Resolved,

Resolved, That the prayer thereof be granted, and that the Treasurer be, and he hereby is directed, to pay out of the Treasury to the said *Jeremiah Lord*, in notes, the wages due to him, in the same manner he might have done if they had not been drawn by a forged order as aforesaid:

CIX.

Resolve on the representation of *William Frobisher* and *Caleb Wilder*, empowering a Committee of both Houses, in the recess, to receive such descriptions in writing, of their respective methods and processes for making and assaying pot-ashes and pearl-ashes, as they shall request to be made public, and cause the same to be published, &c. *March 7, 1787.*

Whereas it is of great importance to the landed as well as mercantile interest of this Commonwealth, that the manufacturing of pot-ashes and pearl-ashes within the same, should be performed in such a way, and by such process, as will produce the greatest quantity of salts from any given quantity of ashes; and also that the pot-ashes and pearl-ashes formed from those salts, may be of such a quality as to stand the test by which those articles are assayed in foreign markets.

And whereas *William Frobisher*, of *Boston*, and *Caleb Wilder*, of *Ashburnham*, have each of them respectively represented to this Court, that they have discovered and are possessed of certain valuable processes, for carrying on the said manufactures, and assaying the same: which processes, if made public, would add greatly to the improvement of that valuable branch of business within this Commonwealth; and which they are willing to communicate to the public, on condition of receiving such a gratuity from a future General Court, as the importance of each or either of their improvements may reasonably deserve: Therefore

Resolved, That *Richard Cranch*, Esq; *Mr. Clark*, and *Mr. Bowdoin*, be a Committee, who are hereby empowered, in the recess of the General Court, to receive from the said *William Frobisher*, and *Caleb Wilder*, or from either of them, such descriptions in writing, of their respective methods and processes for making and assaying pot-ashes and pearl-ashes, as they or either of them shall request to be made public: And if the said processes, or either of them, shall appear to the said Committee, on examination, to contain useful and important improvements in that manufacture, they are hereby empowered and directed, forthwith to cause the same, or such parts thereof as shall appear to them will be useful as aforesaid, to be published in pamphlets, and that such a number of them be printed, at the expense of government, as will be sufficient to furnish the Clerk of each town and plantation, in this Commonwealth, with one of them. And the Secretary

is hereby directed, in case of such a publication, to cause the said pamphlets to be forthwith sent to the several towns and plantations accordingly.

And it is further *Resolved*, That if the process or processes; that shall be thus discovered to the said Committee by the said *Frobisher* or *Wilder*, and sent out to the several towns as aforesaid, shall on trial be found beneficial to the public, and the same be so certified by the Governour with advice of Council, that then, and in that case, the person or persons who made known to the Committee such beneficial process or processes, shall be intitled to receive out of the public Treasury, such sum, as a gratuity, as the General Court shall then deem adequate to the importance of the discovery of such useful process.

CX.

(Roll No. 3.) *March 7, 1787.*

The Committee appointed to examine accounts, ask leave to report the following roll, which if allowed will be in full discharge of said accounts.

JOSEPH HOSMER, per Order.

To Capt. <i>Richard Ward</i> , for his service in the first recess of the present General Court, as per account,	£. 3 7 6
To <i>William More's</i> account for what was found and done in the Secretary's office, by the Secretary's order,	4 8 8
To the Hon. <i>Seth Washburne's</i> account for services done for the public, in procuring the price of particular articles as directed,	3 0 0
To the town of <i>Southboro'</i> for money advanced towards the support of <i>Nicholas Hopping</i> , and wife, the poor of <i>Charlestown</i> , to <i>April 1, 1786</i> ,	2 0 0
To Doctor <i>N. W. Appleton</i> , for visits and attendance &c. upon <i>Thomas Nichols</i> , which account was examined by the Hon. <i>Cotton Tufts</i> , Esq;	9 15 2
To Doctor <i>John Homans's</i> account, for taking care of, and finding medicines for the poor of the Commonwealth, on the alms-house, for one year, ending the <i>14th of May, 1786</i> ,	65 0 0
To an allowance made to the widow <i>Osborne</i> , one of the poor of <i>Charlestown</i> , to <i>November 15, 1786</i> ,	22 19 0
To <i>David Devens</i> , for boarding <i>Anna Goodwin</i> , 73 years of age, and a Negro woman, 84 years, to the <i>11th of February, 1787</i> , being the poor of <i>Charlestown</i> ,	17 6 6

T_e

To an allowance made to <i>Elizabeth Leman</i> , another of the poor of <i>Charlestown</i> , to <i>November 16, 1786</i> ,	£. 34	2	6
To an allowance made to the town of <i>Woolwich</i> for supplies, as per account rendered by the Selectmen,	15	16	0
To the town of <i>Medford</i> , for supplying <i>Joanna Manning</i> , one of the poor of <i>Charlestown</i> , to the 25th of <i>October, 1786</i> ,	10	10	4
To the Selectmen of <i>Pownalboro'</i> for taking care of <i>Daniel</i> and <i>Cornelius Sullivan</i> , the State's poor; see account and bills to support,	32	19	8
To the town of <i>Walpole</i> , for taking care of the widow <i>Hannab Lawrance</i> , to the 1st of <i>February, 1787</i> , one of the State's poor,	58	4	8
To the town of <i>Westboro'</i> , for taking care of <i>John Schudemore</i> , to the 1st of <i>January, 1787</i> , one of the State's poor, as per bills brought in, this being the whole amount to that time,	16	16	4
To <i>Cape-Elizabeth</i> , for the milage of soldiers in the year 1781,	12	4	0
To <i>Stephen Choate</i> , Esq, for his service, in collecting the average price of beef, corn, and other articles,	1	10	6
To the Selectmen of <i>Concord</i> , for supporting the children of <i>William Barron</i> , State's poor, to <i>January 17, 1787</i> ,	23	8	0
To the Selectmen of <i>Marlborough</i> , for supplies for <i>Ephraim Breed's</i> family, the poor of <i>Charlestown</i> , to the first of <i>October, 1786</i> ,	4	2	6
To <i>Jonathan Hastings's</i> account, for stationary, &c. for the General Court, from <i>November, 1785</i> , to <i>February 10, 1787</i> ,	28	15	10½
To <i>John Carter</i> , for taking care of and boarding <i>Meetable Carter</i> , to the 1st of <i>January, 1787</i> , one of the <i>Charlestown</i> poor,	10	8	0
To the town <i>Lynn</i> , for boarding three of the poor of <i>Charlestown</i> , to the first of <i>February, 1787</i> , as per account from the Selectmen,	48	2	0
To <i>Peter Edes</i> , for printing by order of the Secretary, to <i>November 2, 1786</i> ,	12	3	0
To <i>Alexander Campbell</i> , for taking up pirates, in <i>June, 1781</i> ,	11	9	6
To <i>James Hopkins</i> , for the same service,	12	16	6
To <i>George Haslam</i> , for the same service,	5	5	3

To

To <i>Edward Eveleth Powars</i> , for printing for the General Court, by order of the Secretary, to the 12th of <i>February</i> , 1787,	£. 78	9	6
To the Selectmen of <i>Billerica</i> , for supplying <i>Dorothy Lamson</i> , and <i>Elizabeth Lamson</i> , two aged women, the poor of <i>Charlestown</i> , to <i>October 26</i> , 1786,	23	8	0
To the Selectmen of <i>Walspole</i> , for supplying <i>Charles Adams</i> , his wife and two children, with other charges, (State's poor)	6	0	4
To <i>George Fechem</i> , of <i>Newtown</i> , for boarding and nursing <i>James Foster</i> , a sick man, one of the State's poor,	6	6	0
To the town of <i>Southboro'</i> for removing one of the State's poor, with his family, to the State of <i>Connecticut</i> , by virtue of a warrant from another county,	3	10	4
To <i>Abijah Prescott</i> , for services for the Commonwealth upon the estate of an absentee, as per account,	1	16	0
To the Selectmen of <i>Reading</i> , for providing for several of the <i>Charlestown</i> poor, to <i>January 1st</i> , 1787,	39	5	4
To <i>Wilson Chamberlain</i> , an aged man, one of the poor of <i>Charlestown</i> , in two accounts, and to the first of <i>February</i> , 1787,	36	6	0
To the Selectmen of <i>Plymouth</i> , for taking care of several paupers, belonging to no particular town in the Commonwealth,	22	16	0
To the Selectmen of <i>Haverhill</i> , for supporting <i>Elizabeth Hooper</i> , to the 2d of <i>October</i> , 1786, one of the poor of <i>Charlestown</i> ,	16	16	0
To the Selectmen of <i>Lexington</i> , for boarding <i>Sarah Fowle</i> , one of the poor of <i>Charlestown</i> , to <i>January 1st</i> , 1787, an infirm woman,	6	6	0
To the Selectmen of <i>Charlestown</i> , for supporting a large number of their own poor, to the 1st of <i>January</i> , 1787, as per account,	143	19	10
To the town of <i>Bridgewater</i> , for supporting <i>Christiana Grant</i> , and her daughter; two of the State's poor, as per account,	98	16	0
To <i>Simon Stow's</i> account for services done for the Commonwealth, to <i>February</i> , 1787, agreeably to an appointment,	3	0	0
To <i>Doctor Thomas Kittridge</i> , for visits and medicines, for several of the poor of <i>Charlestown</i> , which account was examined and approved of by a Physician of the House,	15	3	0

To the Selectmen and Overseers of the poor of the town of <i>Boston</i> , for boarding, &c. the State's poor in the alms-house, to the 1st <i>September</i> , 1786, including cloathing, nursing, &c. as per account exhibited,	£. 1943 4 9 ¹ / ₂
To <i>Samuel Partridge</i> , keeper of the alms-house, for his usual allowance for extraordinary care of the poor of the Commonwealth in said house, the number being very large, as appears by the account attested by the Selectmen of the town,	102 13 3 ¹ / ₂
To <i>David Townsend</i> , for supporting <i>John Townsend</i> , and wife, and the widow <i>Manning</i> , and four children, to <i>January</i> , 1787, the latter, and <i>February</i> 1st, the former, the poor of <i>Charlestown</i> ,	83 3 0
To the town of <i>Middleborough</i> , for supporting sick Indians, doctoring, house, wood, &c. as per account from the Overseers,	26 1 11
To <i>Elizabeth Johnson</i> , for boarding herself to <i>February</i> 11, 1787,	19 4 0
To <i>Anna Rand</i> , for do. to do	19 4 0
To <i>Lydia Wood</i> , for do. to do.	19 4 0
To <i>Elizabeth Whittemore</i> , for do. to do.	7 4 0
To <i>Katherine Piles</i> , for do. to do.	7 4 0
N. B. They are the poor of <i>Charlestown</i> ,	
To the town of <i>Weston</i> , for boarding <i>Lydia</i> and <i>Philadelphia Breed</i> , the poor of <i>Charlestown</i> , to the 24th of <i>February</i> , 1787,	10 16 0
To <i>John Russell</i> , printer at <i>Northampton</i> , for printing for government by order of the Secretary,	1 1 0
To <i>Stebbins and Russell</i> , printers, by order of Secretary, to 28th of <i>March</i> , 1786,	9 15 2
To the town of <i>Marlboro'</i> for taking care of <i>Hannah Clark</i> , and removing her, a State's poor, in <i>June</i> 1786,	0 18 0
	£. 3218 2 11 ¹ / ₂

Read and accepted, and thereupon Resolved, That the Governour, with the advice of Council, be, and hereby is requested, to issue his warrant on the Treasury, for the payment of the sums mentioned in the above roll, to the persons to whom they are severally due.

R Resolve

CXI.

Resolve granting *six pounds*, to *Francis Jones*, for his services in Capt. *Gordon's* Company at *Bedford*, in the year 1782. March 7, 1787.

On the petition of *Francis Jones*, praying for allowance for three months service as a soldier in Capt. *William Gordon's* Company, in the service of this Commonwealth, at *Bedford*, in the year 1782, who was through mistake, not borne on the roll of the said *Gordon*, &c.

Resolved, That the prayer of the said petition be granted, and that there be allowed and paid out of the public Treasury of this Commonwealth, to the said *Francis Jones*, the sum of *six pounds*, in full for the said three months service.

CXII.

Resolve granting to *John Brooks*, Esq; one of the Committee for the sale of unappropriated lands in the county of *Lincoln*, *seventy-five pounds*, March 7, 1787.

Resolved, That there be allowed and paid out of the public Treasury, from the specie part of tax No. 5, appropriated to the support of government, unto *John Brooks*, Esq; one of the Committee for the sale of unappropriated lands in the county of *Lincoln*, the sum of *seventy-five pounds*, as a full compensation for his services on the said Committee, from *November 30*, 1785, to the day of his resignation, being the first instant.

CXIII.

Resolve granting pay to the Chaplain of the two Houses, and to the Clerk of each House. March 7, 1787.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, unto the Rev. *Peter Thacher*, Chaplain of the General Court, the sum of *twelve pounds*, and unto Mr. *George Richards Minot*, Clerk of the House of Representatives, and Mr. *Samuel Cooper*, Clerk to the Senate, the sum of *fifty-five pounds* each, in full of their services respectively, the present year.

CXIV.

Resolve on the memorial of *John Jones Spooner*, establishing the pay of the officers of the Artillery. March 7, 1787.

On the memorial of Major *John Jones Spooner*, for reasons therein set forth :
Resolved,

Resolved, That all Adjutants, and Quarter-Masters of Artillery (in consideration of the extra duty that devolves upon such officers) shall be, and they are hereby allowed *eight pounds* lawful money per month, and no further allowance shall be made to such Adjutant and Quarter-Master, for services by them done in any other capacity; and the officers required to make out the pay rolls, are directed to govern themselves accordingly: any law or resolve of this Commonwealth to the contrary notwithstanding.

CXV.

Resolve on the petition of *Benjamin White*, Esq; directing the Treasurer to receive government securities in discharge of a balance due. *March 7, 1787.*

On the petition of *Benjamin White*, Esq; late one of the Committee on accounts, praying that he may be allowed to discharge an apparent balance of *two hundred and eighty pounds*, due from said Committee to the State, in government securities:

Resolved, That the Treasurer of this Commonwealth, be allowed and directed, and he is hereby accordingly directed, to receive of said *Benjamin White*, the sum of *two hundred and eighty pounds*, in government securities, in full discharge of the note given by the said *Benjamin White*, for the balance aforesaid; the said *White*, first paying all charges that attend the legal prosecution of the same.

CXVI.

Resolve on the petition of *Richard Cranch*, Esq; directing the Treasurer to, pay him the monies due to him out of the last tax. *March 7, 1787.*

On the petition of *Richard Cranch*, Esq;

Resolved, That the Treasurer of this Commonwealth, be, and he hereby is empowered and directed, to pay what remains due to the said *Richard Cranch*, for his services in examining and certifying the calculations of the consolidated notes that have been issued by this Commonwealth, (so far as the same has been examined and allowed by the Committee on accounts) out of that part of the last tax which is appropriated to the use of government.

CXVII.

Resolve respecting the troops marching out of the State. *March 8, 1787.*

Whereas.

Whereas by the Constitution of this Commonwealth, it is provided, that "the Governour shall not at any time hereafter, by virtue of any power, by this Constitution granted, or hereafter to be granted to him by the Legislature, transport any of the inhabitants of this Commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the General Court, except so far as may be necessary to march or transport them by land or water for the defence of such part of the State to which they cannot otherwise conveniently have access."

And whereas it may be necessary that the forces of this Commonwealth, now raised, or that may be hereafter raised for the purpose of subduing the present Rebellion, should march out of the limits of the same.

Resolved, That this General Court do hereby consent, that his Excellency the Governour, if he shall think it necessary, may give orders that the said forces be marched out of the limits of this Commonwealth, into the bounds of any of the States adjacent thereto, for the purpose above-mentioned.

CXVIII.

Resolve respecting the 20 miles falls in *Androscoggin River*, to be considered the uppermost falls, and directing the Committee of the unappropriated lands in *Lincoln* county, not to dispose of lands on said River, and between said River, and lands claimed by the *Plymouth* company, to the southward of the south line of *Baker's-Town*, &c. *March 8,*

1787.

Resolved, That the twenty miles falls, so called, in *Androscoggin River*, being about twenty miles from *Brunswick* great-falls, so called, be, and they are hereby considered the uppermost falls, called the uppermost great falls in *Androscoggin-River*, refered to in the deed from *Werumbee* and six other Indian *Sagomares*, confirming the right of *Richard Warton* and *Thomas Purchase*, executed *July* the seventh, in the year of our Lord 1684, in the thirty-fifth year of the reign of King *Charles* the second.

And it is further *Resolved*, as the boundaries of the *Pejepsicut-Company*, so called, have not been ascertained, that the Committee on the subject of the unappropriated lands in the counties of *Lincoln* and *Cumberland*, be, and they are hereby directed, not to locate or dispose of any lands lying upon *Androscoggin-River*, and between said River and lands claimed by the *Plymouth-Company*, to the southward of the south line of *Baker's-Town*, bounded at the said great fall in *Androscoggin-River* aforesaid, on the west and south line of *Port-Royal*, on the east of said *Androscoggin-River*.

Resolv^e

Resolve requesting the Governour to write to the Delegates at Congress, relative to the federal troops that were ordered to be raised within this Commonwealth. *March 8, 1787.*

Whereas this Commonwealth, is involved in great expence for the suppression of the Rebellion which now exists within the same, by which means it is rendered impracticable to afford supplies for the federal troops, ordered by Congress to be raised within this State, from any funds that are, or can at present be devised, other than monies arising by virtue of a requisition of Congress, dated the twenty-seventh day of *September, 1785.*

Therefore *Resolved*, That the Governour be and he hereby is requested, to write to the Delegates of this Commonwealth in Congress, directing them as soon as may be, to move in Congress, that a resolution pass, by virtue whereof any advances that are or may be made by this Commonwealth, for the raising, cloathing and subsisting the aforesaid troops, may be considered and accepted in part payment of the aforesaid requisition, and that the said Delegates in Congress also move, that the federal troops, ordered to be raised in *New-York*, and the States eastward of it, may be directed to afford their aid in pursuing, apprehending and securing or destroying, if necessary, in any place, within the limits of the United States, those persons who have been concerned in the Rebellion now existing within this Commonwealth.

CXIX.

Resolve on the petition of *Thomas Somers*, granting him *twenty pounds*, for certain purposes. *March 8, 1787.*

On the petition of *Thomas Somers*, setting forth, his being possessed of certain descriptions and models of machines for the facilitating labor, in the carding, roping and spinning of cotton wool; and also his knowledge of adapting the thread for, and of weaving dimities, plain, striped, and check muslins, calicoes, jeans, jeanetts, and other cotton manufactures; and praying that he may receive some encouragement for the establishing the cotton manufacture within this Commonwealth:

With a view to encourage the aforesaid manufactures; and to give the said *Somers*, an opportunity to give specimens of his abilities to perfect the manufactures set forth in his said petition:

Resolved, That there be paid out of the public treasury, by warrant from the Governour and Council, *twenty pounds* lawful money, to be applied to the purposes aforesaid, which sum shall be deposited in the hands of *Hugh Orr*, Esq; of *Bridgewater*, who shall be a Committee to superintend the application of the same.

CXX.

Resolve respecting the carding and spinning machine, by *Robert and Alexander Barr*, appointing a Committee to examine the machine, and report an adequate reward. *March 8, 1787.*

Resolved, That *Richard Cranch*, Esq; with such as the Honourable House shall join, be a Committee to examine the machines now making at *Bridgewater*, by *Robert and Alexander Barr*, under the patronage of the General Court, for the purpose of carding and spinning cotton, and sheep's wool, which machines are now nearly compleated: And the said Committee, are hereby empowered and directed, as soon as may be, to examine the accounts of the said *Robert and Alexander Barr*, respecting the expence they have been at, in making those machines, and to allow the same, or so much thereof, as to them shall appear reasonable; and also to report to the next General Court, what gratuity, in their opinion, the said *Robert and Alexander*, justly deserve, as a reward for their ingenuity in forming those machines, and as an encouragement for their public spirit, in making them known to this Commonwealth.

And the said Committee are further directed, to report their opinion, in what manner those machines may be disposed of, so as to make them most universally known, and generally useful to this Commonwealth.

CXXI.

Resolve requesting the Governour to write to Congress for commission to General *Lincoln*, to march to any part of the United States. *March 8, 1787.*

Resolved, That his Excellency the Governour, be, and he hereby is requested, to write to Congress, acquainting that Honourable Body, of the present state of the Rebellion, now existing within this Commonwealth, and the difficulty of putting a final end thereto, while the leaders and others concerned in the said Rebellion, can take refuge out of the lines of the said Commonwealth, where they may have frequent opportunities of making incursions into, and annoying, distressing and laying waste the estates of the inhabitants on the borders of this State, unless the forces of this government can enter into territories without the bounds thereof; and requesting Congress to give a commission under the authority of the United States, to Major-General *Lincoln*, who commands the said forces, with full power and authority, to march the said forces into any territory within the said United States, for the sole purpose of apprehending the said leaders, and others concerned in the said Rebellion, and bringing them to justice.

Resolve

CXXII.

Resolve for granting pay out of the specie part of the tax, of the requisition of Congress of *September, 1785*, in addition to the sum borrowed, not to exceed *five thousand pounds*, for the pay, cloathing and subsistence of the federal troops. *March 8, 1787.*

Resolved, That there be paid out of the treasury of this Commonwealth, of the monies which shall be received on account of the tax granted for the specie part of the requisition of Congress of the twenty-seventh of *September, 1785*; in addition to the sum of *two thousand five hundred pounds* directed to be borrowed by a resolve of this Court of the thirtieth of *October, 1786*, such further sum, as the Governour with the advice of Council, shall judge necessary to compleat the raising six hundred and sixty men, as ordered by the aforesaid resolve, and for the pay, cloathing and subsistence of the said men : Provided that the said sum shall not exceed *five thousand pounds*.

CXXIII.

Resolve on the memorial of the Naval-Officer for the port of *Boston*, allowing him *five hundred pounds* for his support, and the pay of his deputy, &c. and the residue to be paid into the treasury; and after the 23d day of *June* next, the whole fees arising from the table of fees be allowed for the support of said Naval-Officer, provided. *March 8, 1787.*

Whereas by a resolve of the General Court, passed the 23d of *June, 1785*, the Naval-Officer for the port of *Boston*, was directed to pay into the treasury of the Commonwealth, seven twelfths of all the fees which he might thereafter receive; and whereas the residue is found inadequate to the support of said office. Therefore,

Resolved, That out of the fees established by law for the support of Naval-Offices, and which have been, or may be received in the port of *Boston*, from the twenty-third of *June, 1785*, to *June* twenty-third, 1787, there be allowed to the Naval-Officer of said port, *five hundred pounds* per annum for his support, and the pay of his Deputy, and all other expences; and that the residue of said fees be paid into the public treasury, any thing in said resolve to the contrary notwithstanding : And the Comptroller-General and Treasurer are hereby directed to take order accordingly.

Resolved, That from and after the twenty-third day of *June* next, until the further order of this Court, the whole fees arising in the port of *Boston*, from the fee table established or to be established for the support of Naval-Officers in this Commonwealth, be allowed for the support of the Naval-Office of said port, provided the amount thereof be in no one year more than *four hundred pounds*.

Resolve

CXXIV.

Resolve granting to Doctor *Joseph Whipple*, thirty-three pounds five shillings and ten pence, for medicine and attendance on persons at *Rainsford's Island*. March 8, 1787.

On the account of Doctor *Joseph Whipple* :

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, thirty-three pounds five shillings and ten pence, in full of his account, for medicines and attendance on sundry persons at *Rainsford's Island*, from June 20th, 1782, to October 31st, 1783, inclusive.

CXXV.

Resolve respecting those Rebels who are in *Vermont*. March 8, 1787.

Resolved, That his Excellency the Governour be, and he is hereby requested, again to write to the Governour of *Vermont*, representing to him the sense this Commonwealth has of the religious as well as political obligations which neighbouring States are under to perform every act of friendship towards each other, and more especially to take every effectual measure to prevent fugitives from justice harbouring themselves within their respective territories : That the government of *Vermont* can recollect, that this Commonwealth, has heretofore conducted towards them in conformity to the most liberal principles, and are unwilling to entertain a doubt of a different conduct in them : That it is notorious, that a number of the leaders of the Rebellion in this Commonwealth, and others concerned therein, have actually taken shelter, and been entertained and supported by numbers of the citizens of that State ; whereby not only the good citizens of this Commonwealth, contiguous to the borders of that territory, are continually exposed to the incursions and depredations of the Rebels, but the government of *Vermont*, itself, is in danger of having the flames of insurrection and Rebellion enkindled within the same : That the Governour of this Commonwealth, has in a friendly letter, informed the Governour of *Vermont* thereof, and although he has received no answer, yet this General Court conceive, that they have a right to expect, that a ready and full compliance has been made to the request expressed therein. And inasmuch as it will be attended with difficulty for this government totally to suppress the present Rebellion, and to prevent depredations upon its frontier towns, bordering upon *Vermont*, while a number of the Rebels shall continue to harbour themselves therein, the Governour is farther requested to apply to the Governour of *Vermont*, to deliver up to the authority of this State, those

those Rebels belonging to this Commonwealth, who have taken refuge within his limits, or to permit the forces of this Commonwealth, to enter within his limits for the purpose of apprehending, securing and bringing the said Rebels to justice, and to direct that all officers civil and military, and all the good citizens thereof, give to the said forces, all necessary aid for the purposes aforesaid.

CXXVI.

Resolve respecting five townships originally granted to *David Marsh*, and others, lying between *Penobscot-River* and *Union-River*, allowing the settlers a further time for the purposes mentioned. *March 8, 1787.*

Whereas by a resolve of the General Court, passed the eighth day of *July* last, five of the townships originally granted to *David Marsh* and others, lying between *Penobscot-River* and *Union-River*, viz. the townships No. 1, 2, 4, 5 and 6, were confirmed to the proprietors on certain conditions; and whereas it is expedient, that the time allowed to the proprietors by said resolve, for quieting the settlers, and to the settlers for paying to the proprietors Treasurer *thirty shillings* each, to be appropriated to the surveying and dividing of said townships, and laying out, clearing and repairing of roads, should be prolonged:

Therefore *Resolved*, That the said settlers be, and they are hereby allowed the further time of six months from the date hereof, for the paying of said *thirty shillings* to the proprietors Treasurer, and the proprietors are also allowed the further time of eight months for allotting and meeting out the lands to the settlers, and for public uses, and making returns of the same agreeably to said resolve; any thing therein contained to the contrary notwithstanding: And if no return shall be made within eight months as aforesaid, to the Committee on the subject of unappropriated lands in the county of *Lincoln*, then the same proceedings shall be had thereon, as were pointed out by said resolve.

CXXVII.

Resolve directing the Delegates to move Congress relative to half pay to officers, to extend to the widows and orphans of such officers who fell in the service of their country, previous to the year 1777. *March 9, 1787.*

Resolved, That his Excellency the Governour be, and he is hereby requested, to write to the Delegates of this Commonwealth, in the Congress of the United States, directing the said Delegates to move in Congress, that the benefits of the resolve of Congress, of the eighth day of *May, 1778*, may be extended to the widows and orphans of such officers,

as fell in the service of their country, during the late war, previous to the year 1777, and who are not entitled to the benefits of the said resolve.

CXXVIII.

Resolve directing the Commissary-General to contract for rations for the army. *March 9, 1787.*

Whereas it is necessary some further measures should be adopted to supply the troops that have been, or that may be raised, for the suppressing the present rebellion, regularly with provisions, during the time they may be continued in the service of this Commonwealth.

Therefore *Resolved*, That the Commissary-General of this Commonwealth be, and he is hereby empowered and directed, if he shall judge it most for the interest of the public, to contract with such person or persons, as may offer to supply the said troops on the most reasonable terms, the following rations; or any part thereof—*to wit*.

One pound of good bread or flour per day.

One pound of beef or three quarters of a pound of pork per day.

One jill of rum or brandy per day.

One jill of peas, or vegetables equivalent, per day.

One quart of salt to one hundred men, per day.

Two quarts of vinegar to one hundred men, per day.

Four pounds of soap to one hundred men, per day.

Two pounds of candles to one hundred men, per day.

And the Commissary-General or his deputy, is hereby empowered and directed, on application from any commanding officer or officers of any corps of the army, to commute the whole, or any part of the aforesaid rations, with such corps, and to agree with the person or persons who may contract as aforesaid, to supply an equivalent to the satisfaction of such corps, in any other species of provisions in lieu thereof.

And be it further *Resolved*, That the Treasurer of this Commonwealth, be, and he is hereby directed, to pay out of the public Treasury of this Commonwealth, to *Richard Devens*, Esq; Commissary-General, the sum of *six thousand pounds*, one third part thereof out of the money that shall be borrowed by the Treasurer by virtue of an act passed by the General Court at their present session, one third part thereof out of the specie part of the last State tax, and one other third part thereof out of the specie taxes which were assessed previous to the year, one thousand seven hundred and eighty-four.

And in case the Commissary-General shall not be able to contract for the supply of said troops in manner aforesaid :

Resolved, That the Commissary-General be, and he is hereby further directed and empowered, to supply the said army with the necessary provisions

sions in the best way and manner he can, to the full amount of the money herein before granted, if necessary, he to be accountable for the same.

CXXIX.

(Roll No. 4.) March 9, 1787.

The Committee of both Houses, appointed to examine accounts, ask leave to report the following roll, which if allowed will be in full discharge of said accounts.

JOSEPH HOSMER, per Order.

To Zenas Parsons, for supplies for the troops with Gen. Shepard, in September, 1786, as per account,	£. 11 1 5
To the same person, for other supplies for the Militia in the county of Hampshire, in September, 1786,	13 13 5
To William Smith, for supplies for the Militia, in the same county, and in the same month, and year,	39 9 7 $\frac{1}{2}$
	£. 64 4 5 $\frac{1}{2}$

Read and accepted, and thereupon

Resolved, That his Excellency the Governour, with the advice of Council, be, and he hereby is requested, to draw his warrant on the Treasury, for the payment of the several persons borne on the aforefaid roll, the sums due to them respectively.

CXXX.

Resolve for paying the Militia that have been employed by government, to suppress the late Rebellion, and directing the Treasurer in this case. March 9, 1787.

Whereas the General Court in its present session, have passed an act providing for the pay and subsistence of the Militia, that have been, now are, and may be employed by government, in suppressing the present Rebellion, and have directed a loan of forty thousand pounds to be made on the credit of the unappropriated part of the revenue, arising from Impost and Excise :

And whereas the monies arising from the funds aforefaid, may not be so speedily collected as may be wanted for the pay of the Militia that have been lately employed as aforefaid : Therefore,

Resolved,

Resolved, That the Treasurer be, and hereby is empowered directed, to pay to the several officers and soldiers that have been or shall be employed as aforesaid, such sum or sums as shall be due to them respectively on the rolls made up and allowed according to law, out of the fund aforesaid, or out of the specie part of the tax granted in *March* last, as shall most facilitate such payment.

And it is further *Resolved*, That the Treasurer receive of the several Collectors of the tax aforesaid, any order from any of the officers or soldiers aforesaid, drawn in favour of such Collector, as shall present the same, or of the Selectmen of the town to which the officer or soldier belongs, as equal to specie, not exceeding the sum due to such officers or soldiers respectively borne on the said rolls.

Resolved, That the Governour and Council be, and they are hereby empowered and requested, to examine and adjust all accounts of supplies of provisions and utensils, and for transportation of the same, furnished by the Selectmen of the several towns to the Militia that have lately been employed for the suppression of the present Rebellion, agreeably to the Militia law. And also the accounts of any other person or persons who have furnished supplies or transportation aforesaid, for the purposes herein expressed, in far as the same are a proper charge against the State.

—And the Governour with advice of Council is hereby authorized to issue warrants upon the Treasurer for the discharge of the same, and the Treasurer is directed to pay such warrants out of the specie part of tax No. 5, or out of such monies as may be borrowed for the pay and subsistence of the Militia.

CXXXI.

(Roll No. 5.) *March* 9, 1787.

The Committee on accounts having examined the accounts of the several persons whose names are borne upon the following roll, with the vouchers accompanying the same, ask leave to report as their opinion, that there are due to the persons named in said roll, the sums set against their names respectively; which sums if allowed ought to be considered as a full discharge of said accounts.

JOSEPH HOSMER, per Order.

To *Samuel Hall*, Printer, for printing for government,
by order of the Secretary, to the 20th of *February*,
1787,

To the Selectmen of *Roxbury*, for supplies for the troops
called to the westward, in *January*, 1787, which ac-

£. 32 17 6

count was committed to the Committee on accounts,	£. 14	4	11
To <i>James Endicott's</i> services in forwarding orders to Gen. <i>Cobb</i> , February 5, 1787,	1	10	0
To <i>Nathaniel Kingsley</i> , for the same services (to Col. <i>Pond</i> .) February 5, 1787,	1	15	10
To <i>Benjamin Larkin's</i> account for binding books, paper, &c. to September 28, 1786,	28	17	6
To <i>J. D. Griffith</i> , for printing, by the Secretary's order, to February 8, 1787,	6	5	0
To the same person, for the same kind of service in the year 1786,	5	5	0
To <i>James Kenney</i> , for boarding and cloathing <i>Thankfull Kenney</i> , one of the poor of <i>Charlestown</i> , to the 22d of January, 1787,	21	12	0
To <i>John Austin</i> , one of the poor of <i>Charlestown</i> , an allowance for his board to March 2, 1787,	7	10	0
To the town of <i>Lincoln</i> , for supplies for the soldiers, in January, 1787,	16	15	7
To <i>Abijah Peirce</i> , for Doctor <i>Mann's</i> account, for doctoring the widow <i>Kenney</i> , one of the poor of <i>Charlestown</i> , dated March 2d, 1784, (examined by a Physician,)	3	5	6
To <i>William Sever</i> , for services done as Brigade-Major, in carrying orders,	5	18	6
To <i>Joseph Frost</i> , for the same services, with giving copies of orders, &c.	11	16	0
To <i>Isaac Tobey</i> , of <i>Barre</i> , to supplies afforded to Col. <i>Stearns's</i> regiment in the month of February, 1787,	2	12	11
To <i>J. D. Griffith</i> , for printing by the Secretary's order in 1786,	6	5	0
To a balance due to <i>Jacob Kuhn</i> , messenger of the House, for sundry supplies, such as candles, coal, wood, &c. to the 1st of March, 1787.	11	14	1
To the Hon. <i>Richard Cranch</i> , for various services done for the Commonwealth to the 6th of March, 1787.	54	8	9
To Doctor <i>Thomas Welch</i> , for visits and medicines for several of the poor of <i>Charlestown</i> , for several years, and to January 1787,	25	0	0
To the town of <i>Rowley</i> , for taking care of <i>Charles Johnson</i> , a sick man, one of the State's poor, to the 15th of September, 1786,	17	1	9
To <i>John Stutson</i> , for work done at the State-House,	2	10	4

To <i>Exra Sergeant, Esq;</i> for posting the accounts of the Committee on accounts for several years, in the receipts of the General Court in 1786 and 1787, as appears by his account;	£. 5 0 0
To <i>Nathaniel Cornish,</i> for boarding <i>Deborah Cessell,</i> while sick, one of the State's poor, (<i>Plymouth,</i>)	13 16 0
To <i>Gen. Bridge,</i> for his services as Adjutant-General, in the years 1782, 1783, 1784 and 1785;	27 4 0
To <i>Thomas</i> and <i>John Fleet,</i> for printing for the Commonwealth, to the 26th of <i>February,</i> 1787,	94 16 8
To the town of <i>Haverhill,</i> for boarding <i>Elizabeth Hooper,</i> one of the <i>Charlestown</i> poor, to the 22d of <i>February,</i> 1787,	10 0 0
To <i>Abraham Folter,</i> for what he did at the Treasurer's office,	1 13 0
To <i>Lydia Boylstone,</i> one of the poor of <i>Charlestown,</i> for boarding herself to the 3d of <i>March,</i> 1787. N. B. Aged and lame,	20 0 0
To <i>Joseph Sweetser,</i> another of the poor of <i>Charlestown,</i> for boarding himself, to the 3d of <i>March,</i> 1787, (an aged man and infirm,)	20 0 0
To <i>Joseph Smith,</i> of <i>Lexington,</i> for boarding and nursing <i>Sarah Fowle,</i> a sick woman, one of the poor of <i>Charlestown,</i> from <i>April</i> 1st, 1786, to <i>October</i> 1st 1786. N. B. another account reported to <i>January,</i> 1787,	11 14 0
To <i>Samuel Thompson, Esq;</i> for a whale boat delivered <i>Col. Hunter,</i> by order of <i>William Lithgow, jun. Esq;</i> in the year 1782,	18 0 0
<i>Thomas B. Wait,</i> for printing by order of the Secretary, in the county of <i>Cumberland,</i> to <i>September</i> 25th, 1786,	7 16 0
To town of <i>Billerica,</i> for boarding <i>Jane Wood,</i> one of the State's poor, to <i>November</i> 24th, 1786,	19 10 0
The same town, for boarding <i>Dorothy Lamson,</i> one of <i>Charlestown</i> poor in her last sickness; with other charges, to <i>January</i> 1787,	3 18 0
The same town, for boarding <i>Elizabeth Lampson,</i> another of the poor of <i>Charlestown,</i> to <i>January</i> 26th, 1787,	3 18 0
To <i>Justus Dwight,</i> for boarding <i>Agnes Thompson,</i> one of the State's poor, to the first of <i>May,</i> 1786;	18 4 0
To <i>James Sherman,</i> for painting on account of the Cable boat, bars, &c. to <i>August,</i> 1786,	14 14 0

To <i>James White</i> , for paper for the use of the office of the Clerk of the Supreme Judicial Court, to <i>March 7, 1787</i> ,	£. 11 2 0
N. B. This paper was for the records of the Commonwealth.	
To <i>Robert Thorndike</i> , for the loss of a boat in the <i>Penobscot</i> expedition, in 1779; his great distance, &c. preventing his applying sooner, committed by both Houses to the Committee on accounts,	15 0 0
To the town of <i>Marlborough</i> , for removing, nursing, Doctor's bill, burying and for other expences, an Indian woman, &c. that providentially fell in there,	3 13 2
To supplying the troops under Gen. <i>Lincoln</i> , &c. in <i>January</i> last, as appears by account from the Selectmen of <i>Marlborough</i> , with receipts,	20 1 8
To <i>William Wyer</i> , for supporting <i>Ruth Cogswell</i> , and one child, <i>Charlestown</i> poor, from <i>November 20th 1785</i> , to <i>May 20th, 1786</i> ,	7 16 0
To <i>Ruth Cogswell</i> , towards supporting herself, and two children, from <i>May 20th 1786</i> , to <i>January 1st 1787</i> , (<i>Charlestown</i> poor)	13 19 0
	£. 639 1 8½

Read and accepted, and thereupon

Resolved, That his Excellency the Governour, with the advice of Council, be, and he hereby is requested, to draw his warrant upon the Treasury for the payment of the several persons borne on the aforesaid roll, the sums due to them respectively, amounting in the whole to *six hundred and thirty-nine pounds, one shilling and eight pence half penny.*

CXXXII.

Resolve on the petition of *Waterman Thomas. March 9, 1787.*

Resolved, There be allowed and paid out of the Treasury of this Commonwealth, to *Waterman Thomas, Esq.* the sum of *seventeen hundred thirty-six pounds, four shillings and eleven pence*, in full of his account as Commissary, and Quarter-Master, in the eastern department.

And the Treasurer is hereby directed to issue orders in favour of the said *Waterman*, for the sum of *four hundred pounds*, on the specie part of the tax granted in *March* last, and appropriated to defray the expence of Government.

And the Treasurer is further directed, to issue orders in favor of the said *Thomas*,

Thomas, for the sum of *thirteen hundred thirty-six pounds, four shillings and seven pence*, being the residue of the sum first mentioned, on any of the delinquent Collectors in the county of *Lincoln*, for any tax assessed prior to the said tax granted in *March* last.

And the Committee on the subject of unappropriated lands in the county of *Lincoln*, appointed by a resolve of the General Court of the 28th of *October* 1783, be, and hereby are directed, to receive the last mentioned orders, equal to specie, in payment for any lands, the said *Thomas* may purchase of the said Committee.

And it is further *Resolved*, That there be allowed and paid out of the public Treasury, to *James Sberman*, deputy and assistant to the said Commissary, the sum of *two hundred eighty-seven pounds three shillings and ten pence*, in full of his account; to be paid in the same manner and proportion as is expressed in the foregoing resolves, relative to the payment of the aforesaid Commissary, saving that orders in favor of the said *Sberman* shall be issued on Collectors in the county of *Cumberland*.

And the said Treasurer is further directed, to credit the town of *Georgetown* the sum of *one hundred and sixty-nine pounds, eighteen shillings and eight pence*, in full for the tax assessed on the said town in the year 1780, which sum the aforesaid *Waterman Thomas*, has credited, and has been allowed to this Commonwealth in the settlement of the said *Thomas's* account.

CXXXIII.

Resolve on the petition of *Josiah Coffin*, Esq. *March* 9, 1787.

On the petition of *Josiah Coffin*, sole executor on the estate of *Josiah Coffin*, Esq; late of *Nantucket*, deceased, praying allowance for twelve fire-arms, six bayonets and two hundred ninety-six pounds of musquet balls, which were received of the said deceased by the Committee of supplies, in the year 1775:

Resolved, That there be allowed and paid out of the public treasury, to the petitioner, the sum of *twenty pounds twelve shillings and six pence*, in full satisfaction for the said articles.

CXXXIV.

Resolve on the petition of a Committee of *Phillips's Academy*. *March* 10, 1787.

On the petition of the Trustees of *Phillips's Academy*:

Resolved, That the lands and other estate now belonging, or which shall belong to *Phillips's Academy*, to such an amount as shall produce an income not exceeding *two hundred pounds per annum*, be, and they are hereby

hereby exempted from taxation, until the further order of the General Court.

CXXXV.

Resolve on the petition of *William Wetmore*, Esq; in behalf of *George Erving*, Esq; March 10, 1787.

On the petition of *William Wetmore*, Esq; of *Boston* :

Resolved, That the petitioner notify *John Tiley*, by serving him with an attested copy of his petition and this resolve thereon, at least fourteen days before the second Wednesday of the next sitting of the General Court, to shew cause, if any, he hath, on said day, why the prayer of the said petition should not be granted, and that all proceedings of the said *John Tiley* be stayed in the mean time.

CXXXV.

Resolve on the petition of *Walter McFarland*, in behalf of the town of *Hopkinton*. March 10, 1787.

On the Memorial of *Walter McFarland*, in behalf of the inhabitants of the town of *Hopkinton*, praying for the discharge of about one hundred pounds, being the remainder of several taxes found by the late Treasurer *Gray's* books, to be due from said inhabitants, for which *Thomas Ivers*, Esq; present Treasurer, hath issued his execution.

Resolved, That the prayer of said memorialist be so far granted, as that the said *Thomas Ivers*, Esq; stay said execution till the third Wednesday of the next sitting of the General Court.

CXXXVI.

Resolve on the petition of *Joseph Frye*, Esq; March 10, 1787.

On the petition of *Joseph Frye*, Esq; praying for the confirmation of a tract of land, as set forth in the said petition.

Resolved, That the prayer of said petition be so far granted, that four thousand one hundred and forty-seven acres of land, in the county of *York*, in said Commonwealth, be, and hereby is confirmed unto the said *Joseph Frye*, and the other proprietors of *Fryeburg*, their heirs and assigns, in lieu of so much land released by them to this Commonwealth; the said four thousand one hundred and forty-seven acres is bounded as follows, viz. beginning at a Spruce-Tree, standing in the north-easterly side line of *Fryeburg*, and at the westerly corner of *New-Suncook*; thence north-west to the northerly corner of said *Fryeburg*; thence south-west eight hundred rods, adjoining said *Fryeburg*, to a Beach-Tree; thence to run from said Beach-Tree north, eight degrees east; and from the said Spruce-Tree first mentioned, to run north-easterly on the north-west side of *New-Suncook*,

until four thousand one hundred and forty-seven acres be made up at a head line running east and west, provided the same doth not interfere with any former grant.

CXXXVII.

Resolve on the petition of *Andrew Macbie*, in behalf of the town of *Wareham*. *March 10, 1787.*

On the petition of *Andrew Macbie*, on the behalf of the town of *Wareham*, praying that the time limited for the payment of certain taxes, by the said town, may be prolonged.

Whereas by a resolve of the General Court, passed *March 23, 1786*, taxes on the said town were abated, to the amount of *three hundred and twenty pounds*, on condition that the remaining sum then due to the Treasurer from the said town, should be paid into the treasury, in nine months from the date of the said resolve; and it appears reasonable, that a further time should be allowed for the payment of the said remaining sum:

Resolved, That the said town of *Wareham*, shall be entitled to the benefit of the said abatement, provided the said remaining sum shall be paid into the treasury by the said town, at any time before the first day of *January* next, any law or resolve to the contrary notwithstanding.

CXXXVIII.

Resolve on the petition of *David Fay*, granting him *nine pounds*. *March 10, 1787.*

On the petition of *David Fay*, praying he may be allowed and paid his wages, as he was a soldier in the thirteenth *Massachusetts* regiment, A. D. 1777:

Resolved, That there be allowed and paid to said *David Fay*, out of the treasury of said Commonwealth, the sum of *nine pounds*, in full of his wages for eight months service.

CXXXIX.

Resolve on the petition of *Willis Hall*. *March 10, 1787.*

Whereas certain messuages, lands and tenements, lying within this Commonwealth, and late the estate of *Isaac Royall*, Esq; of *Medford*, in the county of *Middlesex*, an absentee, deceased, not having been confiscated, were intailed and otherwise specially devised, in and by his last will and testament, dated the 26th day of *May, 1778*, which will hath been duly proved and approved by the Judge of the probate of wills, &c. in and for the county of *Suffolk*: And whereas by two certain acts of the General Court,

Court, made and passed on the twenty-fourth day of *March*, and on the tenth day of *November*, A. D. 1784, it was among other things declared, that the lands and buildings, which the persons therein mentioned held in fee simple, or by a lesser estate, on the nineteenth day of *April*, A. D. 1775, and which had not been confiscated, nor pledged by government, nor sold for the payment of debts, &c. should be delivered up to the persons owning the same on the nineteenth day of *April*, or to the persons claiming under them, provided they were not of the description of persons called conspirators; and that such owners and claimants should have the privilege of disposing of the same, at any time within three years from the said twenty-fourth day of *March*, to any citizen of this or either of the United States: And whereas since the passing the same acts, certain of the messuages, lands and tenements aforesaid, by the death of the said *Isaac*, and pursuant to his said will, have come into the possession of some of the devisees therein mentioned, who have not had opportunity, and who are minors and have not capacity to sell and convey their estate and interest therein; and as doubts may be entertained, whether the said devisees are within the purview of the acts aforesaid, and whether it is necessary that they should sell and convey as aforesaid, their said estate and interest, as they respectively come into possession:

It is therefore *Resolved*, That the devisees and tenants respectively, under the will and testament aforesaid, who are not capable by law of holding estates within this Commonwealth, be, and they hereby are authorized to sell and convey their estate and interest in the messuages, lands and tenements aforesaid, to any citizen of this, or of either of the United States, provided that a deed thereof, executed in due form of law, be made out within three years from the time of such tenant or devisee being seized or coming into possession thereof; and if such devisee or devisees so in possession, shall be under the age of twenty-one years, then the said deed to be made out within three years from the time of such devisees arriving at full age.

CXL.

Report of the Committee on Major-General *Shepard's* letter, *February*, 1787. *March 10, 1787.*

Resolved, That his Excellency the Governour, be requested to issue a proclamation, warning all persons against purchasing any real estate from such persons as are, or have been concerned in the present Rebellion; except from such persons as are or shall be entitled to the benefit of an act passed by the General Court on the sixteenth day of *February* last, describing the disqualifications of certain persons; and except from those to whom indemnity shall have been promised in behalf of the General Court, inasmuch as such conveyances, upon the person conveying such estate being convicted of treason, are and will by law be considered fraudulent and illegal.

Resolved,

Resolved, That his Excellency the Governour be, and he hereby is requested, to give directions to the commanding officers of the government troops in the counties of *Worcester, Hampshire* and *Berkshire*, respectively, to arrest all persons concerned in the present rebellion, who shall be moving out of this State with their property and effects, except those who are entitled to the benefit of the act aforesaid, until such persons shall be acquitted of the imputation of treason by a due course of law, or until they shall receive, in behalf of the General Court, a promise of indemnity by Commissioners appointed for that purpose.

CXLI.

Resolve on the petition of *Lemuel Cox*, granting his *six pounds thirteen shillings and four pence*, *March 10, 1787*

Resolved, That there be allowed and paid out of the public Treasury of this Commonwealth, to *Lemuel Cox*, the Artificer in the corps of Artillery, under the command of Major-General *Lincoln*, for his services for thirty-one days, the sum of *six pounds, thirteen shillings and four pence*, which sum is to be in full of his account.

CXLIH.

Order appointing *Mr. Israel Jones*, on a Committee for sale of lands, in the county of *Berkshire*. *March 10, 1787*,

Ordered, That *Israel Jones*, be on the Committee for the sale of the unappropriated public lands in the county of *Berkshire*, in the room of *John Bacon*, Esq; resigned.

CXLIH.

Resolve for paying the Committee on accounts for their services. *March 10, 1787*

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to the Hon. *Charles Turner*, Esq; the sum of *thirteen shillings and six pence*; to the Hon. *Joseph Hosmer*, Esq; the sum of *three pounds*; to *John Carnes*, Esq; the sum of *three pounds thirteen shillings, and six pence*, and to *Exra Sargeant*, Esq; the sum of *three pounds, thirteen shillings and six pence*, being in full for their extra services as Committee on accounts.

Resolve

CXLIV.

Resolve on the petition of *David Noyes*. *March 10, 1787.*

On the petition of *David Noyes*, of *Portland*, in the county of *Cumberland*, praying that the sum of *thirty-five pounds*, part of a tax of *two hundred and twenty pounds*, committed to him to collect, for the town of *Falmouth*, in said county, for the year 1786, be remitted to him, and the Treasurer of this Commonwealth directed to recall the execution issued against the said petitioner for the aforesaid *thirty-five pounds*, and now in the hands of the Sheriff of the county of *Cumberland* aforesaid, for reasons set forth in said petition :

Resolved, That the prayer of the petition be granted, and that the town of *Falmouth* aforesaid, be, and they hereby are abated the *thirty-five pounds* aforesaid ; and the Treasurer of this Commonwealth is directed to recall his execution issued against the said *David Noyes*, accordingly.

CXLV.

Resolve for appointing three Commissioners to proceed to the western counties, for the purposes mentioned. *March 10, 1787.*

Resolved, That three persons be appointed Commissioners, to proceed without delay into the counties of *Middlesex*, *Hampshire*, *Worcester* and *Berkshire*, whose duty it shall be, upon application made to them for indemnity, by or in behalf of any of the persons who have been concerned in the present Rebellion, and who are not entitled to the benefits of an act describing the disqualifications of certain persons, passed by the General Court on the 16th of *February* last, to make full and particular enquiry into the character and conduct of such persons, and thereupon, in the name and behalf of the General Court, to promise indemnity to such of the said persons, (on their taking and subscribing the oath of allegiance to this Commonwealth) in favor of whom satisfactory evidence shall be produced, that they are duly penitent for their crimes, and properly disposed to return to their allegiance to the State, and to discharge the duty of good and faithful citizens thereof ; and to do this, either with or without any, or all the conditions, restrictions and disqualifications, enumerated in the act aforesaid ; and with, or without the farther condition of their being bound to keep the peace, and be of the good behaviour for a limited term of time, not exceeding three years.

Provided, That the Commissioners aforesaid shall not be empowered to promise indemnity, in any manner whatever, to *Daniel Shays*, *Adam Wheeler*, *Eli Parsons*, or *Luke Day*, or to any person or persons who have fired upon or killed any of the citizens, in the peace of the Commonwealth, or to the person commanding the party, to which such person or

persons belonged, or to any of those persons who have been considered and acted as a Council of War for, and regulated the movements of the Rebel forces, since the 20th of *January* last; or to any person or persons against whom a warrant from the Governour and Council shall have issued, except to such as the Governour has or shall liberate on bail or otherwise.

And it shall be also the duty of the said Commissioners, upon application made to them, by or in behalf of any of the persons who are entitled to the benefits of the act aforesaid, to make the like full and particular enquiry into their characters and conduct, and thereupon, in behalf of the General Court, to promise a remission of the said conditions, restrictions and disqualifications, in whole or in part, to such of the said last mentioned persons, in favour of whom satisfactory evidence shall be produced, that they are duly penitent for their crimes, and properly disposed to return to their allegiance to the Commonwealth, and to discharge the duty of faithful citizens, in such manner as shall appear to the said Commissioners, will be most promotive of the safety, honour and happiness of the Commonwealth. And the said Commissioners are hereby empowered to call before them any person or persons, whom they shall judge necessary, to give evidence relative to the character and conduct of any person or persons concerning whom application shall be made to them as aforesaid; and also to administer oaths for the better discovery of truth in any case which may come before them.

And the said Commissioners are hereby instructed, not to attend to the cases of the last described persons, in such manner as to interfere with the duty which is herein first assigned them: And the agreement of any two of the said Commissioners, shall determine every question that shall come before them.

And it is further *Resolved*, That in case either of the Commissioners, who may be appointed in pursuance of the foregoing resolve, shall decline accepting the trust, or be unable to proceed or continue in the execution thereof, in such case the Governour be, and he is hereby authorized and requested, with advice of Council, to appoint others in their room.

CXLVI.

Resolve granting *fifty pounds* to each of the Commissioners, to proceed to the western counties. *March* 10, 1787.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the Hon. *Benjamin Lincoln*, the Hon. *Samuel Phillips*, and the Hon. *Samuel Allyne Otis*, Esq's. (who are appointed to proceed to the western counties to promise pardons to certain persons) the sum of *fifty pounds* each, they to be accountable for the sums they shall respectively receive.

Resolve

CXLVII.

Resolve appointing Delegates for Convention, to be commissioned.
March 10, 1787.

Whereas Congress did, on the twenty-first day of *February, 1787*, resolve, "That in the opinion of Congress, it is expedient that on the second Monday in *May* next, a Convention of Delegates who shall have been appointed by the several States, to be held at *Philadelphia*, for the sole and express purpose of revising the articles of Confederation, and reporting to Congress and the several Legislatures, such alterations and provisions therein, as shall, when agreed to in Congress and confirmed by the States, render the federal Constitution adequate to the exigencies of government and the preservation of the Union."

And whereas the Legislature of this Commonwealth, did on the third day of this present month, elect the Hon. *Francis Dana, Elbridge Gerry, Nathaniel Gorham, Rufus King, and Caleb Strong*, Esquires, Delegates, or any three of them, to attend and represent this Commonwealth, at the aforesaid Convention, for the sole and express purpose mentioned in the afore-recited resolve of Congress.

Resolved, That his Excellency the Governour be, and he hereby is requested, to grant to the said *Francis Dana, Elbridge Gerry, Nathaniel Gorham, Rufus King, and Caleb Strong*, Esquires, a commission, agreeably to said resolution of Congress.

CXLVIII.

Resolve for printing maps of the townships to be sold by Lottery.
March 10, 1787.

Whereas it is necessary a sufficient number of maps, exhibiting the marks and numbers of the several townships, which are proposed to be disposed of by the State-Lottery, established for that purpose, should be struck off, to be distributed in the several towns of this Commonwealth, for the information of those who are disposed to become adventurers in the said Lottery :

Resolved, That the Managers of the Lottery, established for the sale of the eastern lands, be, and they are hereby directed, to cause a sufficient number of maps, containing the marks and numbers of the several townships, which are proposed to be disposed of by the said Lottery, to be struck off, and distributed in the several towns within this Commonwealth, for the information of those, who may become adventurers therein.

CXLIX.

Resolve on the petition of *Eli Forbes*. *March 10, 1787.*

On the petition of *Eli Forbes*, praying that the Justices of the Court of Common Pleas for the county of *Lincoln*, may reconsider the report of the referees in several actions pending between *Nathan Jones*, and the petitioner, notwithstanding a resolve of the General Court passed *October 11, 1786*.

Resolved, That the prayer of the petition be granted, and that the Justices of the Court of Common Pleas for the county of *Lincoln*, be, and they are hereby empowered and directed, to reconsider the aforesaid report as fully, and to all intents and purposes, as by law they could have done had not said resolve passed; and that the petitioner notify said *Nathan Jones* of this resolve, fourteen days before the next sitting of the Court of Common Pleas in the county aforesaid.

CL.

Resolve providing for swearing certain town-officers. *March 10, 1787.*

Resolved, That the several persons that have been, or may hereafter be chosen for the present year, as Selectmen, Assessors, Town-Clerk, Town-Treasurer, Constables and Collectors, in the several towns, districts and plantations of this Commonwealth, be, and they hereby are required, before the Town-Clerk, or before some Justice of the Peace, to take and subscribe the oath of allegiance, as prescribed in the Constitution of this Commonwealth; and the same certificate shall be made, if taken before a Justice of the Peace, as is already provided by law for the oaths of town, district or plantation officers; and the Town-Clerk is directed to record the same in the book in which he is directed by law to record the several oaths to be taken by the said officers respectively, to qualify them to perform the duties thereof; and no act of either of the officers aforesaid, shall after one month from the passing of this resolve, be esteemed valid in law, until they have taken and subscribed the oath aforesaid; any law, usage or custom, to the contrary notwithstanding.

And be it further *Resolved*, That in case any person, chosen to either of the offices aforesaid, shall neglect or refuse, within one month from the passing this resolve, and hereafter annually, within seven days from the time of his election, the town to which such person or persons belong, at a legal meeting appointed for that purpose, shall proceed to make choice of some other person or persons, to serve in the office or offices, to which the person or persons so neglecting or refusing, had been elected; and the person or persons so refusing or neglecting to take the oath as aforesaid, shall be liable to the same penalties, as is by law provided in case of refusal to serve in the office to which he or they have been elected.

And that the Secretary be, and he hereby is directed, to publish these resolves in the several news-papers, three weeks, at least, successively, and to transmit a copy of the same, to the Clerk of each town, district, and plantation in this Commonwealth.

CLI.

Resolve granting *one hundred pounds*, to each of the Delegates to meet in Convention at *Philadelphia*, in *May* next. *March* 10, 1787.

Whereas the Legislature of this Commonwealth, did, on the third day of *March* instant, elect the Hon. *Francis Dana*, *Elbridge Gerry*, and *Caleb Strong*, Esq's, as three of the Delegates on the part of this Commonwealth, to meet on the second Monday of *May* next, at *Philadelphia*, in Convention, with such Delegates as may be appointed by the Legislatures of the other States in the Union, for the purpose expressed in a resolution of Congress passed the twenty-first day of *February*, 1787.

Resolved, That there be paid out of the Treasury of the Commonwealth, the sum of *one hundred pounds*, to each of the above-named Delegates, who may proceed on the commission, they being accountable for the sums they may respectively receive.

B O S T O N :

PRINTED BY ADAMS AND NOURSE.

PRINTERS TO THE HONOURABLE GENERAL COURT

M, DCC, LXXXVII.

R E S O L V E S
OF THE
G E N E R A L C O U R T
OF THE
C O M M O N W E A L T H
O F
M A S S A C H U S E T T S :

Together with the SPEECH and MESSAGES of his
Excellency the Governour to the said Court :

Begun and held at *Boston*, in the County of *Suffolk*, on
Wednesday the 31st Day of *May*, Anno Domini, 1786 ;
and from thence continued by Prorogation and Adjourn-
ments, to Wednesday the twenty-fifth Day of *April*,
1787.

T H U R S D A Y, *April 25, 1787.*

Yesterday was the day on which the General Court, pursuant to the Governour's proclamation, of the 12th instant, were to meet at the State-House : Many Members accordingly attended ; but not in sufficient numbers to form a quorum of both Houses till this day, when his Excellency, at twelve o'clock, met the two Branches in the Senate-Chamber, and addressed them as follows :

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

AT the time of your last recess, there was no expectation of any further meetings of the present General Court : But another meeting has been thought necessary, in consequence of the death of *Thomas Ivers*, Esquire, by which the office of Treasurer has become vacant. As there is no law authorizing the Governour and Council, in such a case, to make a temporary appointment ; and it being apprehended the Con-
stitution

stitution would not warrant it, the Council advised, that the General Court should be convened, as soon as might be, for the purpose of supplying the vacancy; and accordingly you are now convened for that purpose.

An interruption of business at the Treasury must be at all times inconvenient to the public; but especially so, at the present time, when there is such a multiplicity of it to be transacted, and the fulfilment of the engagements of Government depends upon its being speedily done. It is probable, therefore, you will proceed to the choice of a Treasurer, as soon as you can obtain sufficient information and satisfaction, respecting the persons, who may be candidates for that office. The character of Mr. *Levors's* successor should be, like *his*, distinguished by an industrious application to business; by a happy facility in transacting it; and by the strictest integrity. This description, at the same time it shews what ought to be the character of such an officer, is but a just tribute to the memory of the deceased.

There are several other matters, which also require the consideration of the General Court.

You are sensible, Gentlemen, that the facilities, allowed by Congress to discharge a part of the requisition of *September, 1785*, are not now receivable at the Treasury: the time of receiving them having expired the first day of the present month. A letter has therefore been written to our Delegates, recommending a speedy application to that honourable body, to lengthen out the time for receiving those facilities. You will consider, Gentlemen, what is proper to be further done in regard to them.

Another matter for your consideration, respects the jurisdiction-line between this State and *New-York*.

I transmitted to Governour *Clinton*, with my letter of the 3d of *March*, an authenticated copy of our late act, allowing the Commissioners further time for settling that line, and informed his Excellency, that the *Massachusetts* Delegates, to whom I wrote upon that head, would, in concert with the Agents of *New-York*, settle the necessary preliminaries, and jointly request the Commissioners to appoint a time for finishing that business. Soon after transmitting that act, and since the prorogation of the General Court, I received, through the hands of our Delegates, a new act for the same purpose, passed by the Legislature of that State; repealing their former acts, and making the appointment of two additional Commissioners necessary. As there was then no expectation of a meeting of the General Court for several months, and the Legislature of *New-York* continued sitting, I apprehended it would expedite the settlement of the line, if they should pass an act, conformable to ours, for that purpose: and accordingly, on the 15th of *March*, I wrote to, and desired, our Delegates to represent this matter to Governour *Clinton*, for his consideration. But I have not since had any information upon the subject.—The act of the Legislature of *New-York*, will be laid before you for your consideration.

As

As a considerable part of the federal troops, ordered by Congress, in October last, to be raised in this State, have been enlisted, and cloathing was preparing for them, they would have been soon fit for service : in which case they might have relieved a like number in our two regiments, employed in the Western Counties : or, if needful, have supplied the place of those regiments at the expiration of their time of service. But Congress have thought proper to discharge those troops, excepting two companies of artillery, who are ordered to be stationed at the Federal Arsenal in *Springfield* ; as you will observe by several resolutions of theirs, dated the ninth instant.

With respect to those two regiments, General *Lincoln*, informs me, that the several companies, of which they are composed, are compleated ; and that they are stationed as the nature of the service made necessary.

The Supreme Judicial Court are proceeding in their business in those counties ; and the Commissioners, empowered to promise indemnity to a certain description of criminals, have been going on with theirs. The proceedings of each, contained in their respective letters to me, will be laid before you.

Having thus made the necessary communications, I would so far bring back to your recollection the late measures of government respecting the Rebellion, as to congratulate you upon the success of them ; and upon the hopeful prospect there is, if those measures are continued, that the western counties, will in a short time, be restored to a state of tranquility. This is the happy result of your cordial and spirited co-operation with the Executive in those measures : which were planned and executed, pursuant to your recommendations ; and have been honoured with your repeated approbation.

It has been my lot to pass through the several grades of political life, during a period the most interesting, that *America* ever saw : and it is with real satisfaction, I can take a review of it, in the solitary hour of reflection.

As I have been so long versant in it, and have had so large a share of the honours of my country, it is certainly decent to wish for retirement, that younger men, and of more ability, might succeed to the chair of government.

I am happy, that with this wish the voice of the people co-incides ; as in the contrary case, I could not have indulged it, without the imputation of deserting them in the present critical situation of their affairs.

Permit me, Gentlemen, to thank you for the confidence, with which you have honoured me ; and for the favourable opinion you have, on several occasions, expressed of my administration ; and be assured, that the recollection of them, in future, will be to me a source of real pleasure.

You will have the goodness to accept of my sincere and ardent wishes for your welfare and happiness : and will, I am persuaded, with equal

ardour, join with me in the further wish,—that the people of this Commonwealth may have just ideas of liberty, and not lose it in licentiousness, and its natural consequent,—despotism : That they may revere the Constitution of their own framing ; and govern their conduct by the principles of it, especially in the choice of the men, to whom, when chosen, the Constitution has delegated the powers of government. That their Delegates, actuated by the same principles, may be, not the violators, but the guardians of liberty and property ; may ever pay a sacred regard to publick faith ; and by all their acts, in the best manner, promote the public happiness.

Under the uniform influence of such principles, the Commonwealth, will rise superiour to its present embarrassments ; and evince to the world the mistake of those politicians, who declare, that a Republican Government, founded, like ours, on the principles of equal liberty, cannot long subsist.

May this Commonwealth, and the United States in general, be lasting monuments of the truth of a counter-declaration.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *April 27, 1787.*

II.

MESSAGE from his Excellency the Governour, by the Secretary.
April 27, 1787.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

BY the last post I received a letter from Mr. Secretary *Thomson*, transmitting sundry resolutions of Congress, passed the 21st of *March*, respecting the treaty of peace between the United States and *Great-Britain* : and also a letter to me of the 13th instant, unanimously agreed to in Congress, and signed by the President, on the same subject.

The resolutions declare, that national treaties do, in virtue of the Confederation, become the law of the land ; and are not only independent of the will and power of the Legislatures of the several States, but also binding and obligatory on them ; that all such acts, or parts of acts, as may be now existing in any of the States, repugnant to the treaty of peace, ought to be forthwith repealed ; and that it be recommended to the several States, to make such repeal ; and for that purpose to pass an act, declaring in general terms, that all such acts, and parts of acts, repugnant to the said treaty, shall be, and are repealed.

The letter from Congress is written, to explain the principles, on which they have formed the several resolutions ; and that the repealing acts of the several States may be as nearly alike as possible, the form of them is given, and recommended, in the said letter.

In the letter it is observed, that it is certainly time, that all doubts respecting the public faith, be removed ; and that questions and differences between us, and *Great-Britain*, be amicably and finally settled : that the States are informed of the reasons, why his Britannic Majesty still continues to occupy the frontier posts, which by the treaty he agreed to evacuate ; and that we have the strongest assurances, that an exact compliance with the treaty on our part, shall be followed by a punctual performance of it on the part of *Great-Britain*.

The letter concludes with the declaration, that it is important, that the several Legislatures of the States should, as soon as possible, take these matters into consideration : and I am requested to transmit to Congress, an authenticated copy of such acts and proceedings of the Legislature of this State, as may take place on the subject, and in pursuance of that letter ; you will therefore, Gentlemen, please to give an early attention to this important business ; and take such measures respecting it, as the national faith, and sound policy require.

JAMES BOWDOIN.

COUNCIL-CHAMBER, April 27, 1787.

III.

Resolve, that the Treasurer who shall be elected, give bond to the first Counciller, President of the Senate, and Speaker of the House of Representatives, in the sum of *thirty thousand pounds*, previous to his entering on the duties of said office, and to be lodged in the Secretary's office. April 27, 1787.

Resolved, That the person who shall be elected to the office of Treasurer and Receiver-General, shall previously to his entering on the duties of the said office, besides taking and subscribing the declaration and oaths prescribed in the Constitution of this Commonwealth (which shall be done before the Governour and Council) shall also give bond, with three good and sufficient sureties, in the sum of *thirty thousand pounds*, to his Honor *Thomas Cushing* Esq; as first Counciller of this Commonwealth, the Hon. *Samuel Phillips*, jun. Esq; as President of the Senate, and the Hon. *Artemas Ward* Esq; as Speaker of the House of Representatives, and to their successors in the respective offices before named ; which bond shall be conditioned for his truly and faithfully discharging the duty of his office, according to law, and for rendering an account, when and so often as he shall be required by the General Court, of all such sum or sums of money as he shall from time to time receive into the Treasury, and for his well and truly paying to his successor in the said office, or to any other that may be appointed by the General Court to receive the same, all such sum or sums, as upon such settlement of his said account, or otherwise, shall

shall be found due and payable to this Commonwealth. And the said bond, when duly executed, shall be deposited in the Secretary's office for safe keeping—and the persons before named shall be a committee, who are hereby authorized to judge and determine on the sufficiency of those, who shall be proposed as sureties for the Treasurer as aforesaid.

And it shall be the duty of the Governour and Council, and they are hereby empowered, when they shall judge it necessary, to direct the Attorney-General to put in suit the bond aforesaid, who is required upon receiving such direction, to put the said bond in suit accordingly.

IV.

Resolve lengthening the time for receiving facilities in payment of the tax granted in 1786. *April 27, 1787.*

Whereas a resolve passed the General Court *November* fifteenth, 1786, authorizing and directing the Collectors of the tax granted *March* 1786, to receive one third part of said tax in certificates, issued from the Loan-Office, for interest on the liquidated debt of the United States, provided they were paid with a sum in specie equal to one half of such certificates, on or before the first day of *April* then next: and whereas the Loan-Officer of this Commonwealth has not been sufficiently furnished with certificates for interest due to the citizens thereof for the payment of the said interest. Therefore

Resolved, That the Collectors aforesaid be, and hereby are authorized and directed, to receive one third part of said tax in the certificates aforesaid, provided they are paid with a sum in specie, equal to one half of such certificates, on or before the first day of *July* next: *Provided also*, That one other third part of the tax aforesaid, which is to be paid in army notes, or certificates issued therefor, from the Treasurer of this Commonwealth, and the residue of the said tax in specie, be paid within the time aforesaid.

Whereas it is to be presumed, that the Loan-Officer aforesaid will be able seasonably to pay the certificates for interest which are now due to the citizens of this Commonwealth, no further indulgence in the payment of the said taxes will be given.

V.

Resolve on the petition of the Selectmen of the town of *Boston*, requesting the Governour to issue Briefs throughout the Commonwealth, for the benefit of the sufferers by the late fire in *Boston*. *April 28, 1787.*

On the petition of the Selectmen of the town of *Boston*, in behalf of near one hundred unfortunate families, that have been deprived of their

their houses, and in many instances reduced to extreme poverty, by a destructive fire, that took place on the evening of the 20th instant.

Whereas a great number of unfortunate persons, from ease and affluence, have been by the Providence of God, at once reduced to extreme poverty and wretchedness: and whereas it is peculiarly the duty of the humane and well disposed, to relieve the afflicted, and to assist the distressed, especially in times of such calamities, as must excite the sympathetic feelings of every benevolent and humane breast:

Therefore *Resolved*, That his Excellency the Governour, be desired to send Briefs throughout the Commonwealth, strongly recommending the unhappy case of the sufferers aforesaid, to the inhabitants of this Commonwealth, and calling upon them for a general contribution, to be paid into the hands of the Selectmen and overseers of the poor of the town of *Boston*, to be by them distributed as they in their discretion judge proper: and the Selectmen and overseers are hereby required to lay the account of the money raised by the public contributions, and the distribution thereof, before the next General Court.

VI.

Resolve on the petition of *Joseph Curtis*, in behalf of the town of *East-Sudbury*. April 28, 1787.

On the petition of *Joseph Curtis*, in behalf of the town of *East-Sudbury*, praying that an execution of two hundred eighty-three pounds ten shillings, and eleven pence two farthings, now in the hands of the Sheriff of the county of *Middlesex*, issued by the Treasurer of this Commonwealth, against *John Tilton*, one of the Collectors of the town of *East-Sudbury* aforesaid, for the year 1782, be stayed; for reasons set forth in said petition,

Resolved, That the prayer of the petition be granted, and that the aforesaid execution be, and hereby is stayed until the first day of *November* next, the said *John Tilton*, or the town of *East-Sudbury*, paying the cost that has arisen on said execution.

VII.

Resolve on the petition of *Elizabeth Inches*, widow, authorizing her to erect a dwelling-house and other buildings, from the avails and assets of the estate of her late husband, *Henderson Inches*, and directing the Judge of Probate for *Suffolk* county, in this case. April 28, 1787.

On the petition of *Elizabeth Inches*, widow of *Henderson Inches*, late of *Boston*, in the county of *Suffolk*, deceased, and Administratrix on the estate of the said *Henderson*, praying that she may be authorized to erect a dwelling-house on the same ground where the late dwelling-house of the said *Henderson*, was consumed by fire: for reasons set forth in her petition,

A

Resolved,

Resolved, That the prayer of the petition be granted, and the said *Elizabeth Inces*, is hereby fully authorized and empowered, to erect a dwelling-house and other necessary buildings, from the avails and assets of the estate of the said *Henderson Inces*, in her hands, on the same lot of ground where the late dwelling-house of the said *Henderson* was consumed by fire; and that the said *Elizabeth Inces*, together with the four children, heirs of the said *Henderson*, deceased, shall have and hold said building, when erected, in the same manner, and in the same proportion, which they were by law entitled to have and hold the dwelling-house consumed as aforesaid; and that the Judge for the Probate of Wills for the county of *Suffolk*, be, and he is hereby directed, to allow to the said *Elizabeth Inces*, in the settlement of her accounts of administration, all the reasonable expenditures that she shall make in erecting the buildings aforesaid, she producing sufficient vouchers for the same; any thing in the laws for the settlement of the estates of intestates, to the contrary notwithstanding.

VIII.

MESSAGE from his Excellency the Governour, by the Secretary.

April 28, 1787.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

YOUR resolution of the ninth of *March* last, empowering the Governour and Council, to examine and adjust all accounts for supplies of provisions, &c. has been under consideration of the Council; and as they find themselves greatly embarrassed in the settlement of those accounts, I would, agreeably to their request, suggest to you, whether it would not be expedient, that the accounts belonging to the department of the Quarter-Master-General, should be referred to the Quarter-Master-General, for liquidation; and that the accounts for supplies of provisions and utensils, and for transportaion of the same, furnished by the Selectmen and others, and belonging to the department of the Commissary-General, who marched with the troops, should be referred to him for the same purpose: Thy being, from their knowledge of circumstances, best qualified to judge of those accounts, and most able to detect errors in the settlement of them.

I have received a letter, Gentlemen, from Gen. *Lincoln*, upon that subject; which will be laid before you by the Secretary.

JAMES BOWDOIN.

COUNCIL-CHAMBER, April 28, 1787.

IX.

MESSAGE from his Excellency the Governour, by the Secretary.
April 30, 1787.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

THE Commissioners appointed by the General Court, to promise indemnity to a certain description of persons, concerned in the Rebellion, have made a report of their proceedings in that business; and it is now communicated to you for your information.

The last post brought me a letter from our Delegates, dated at *New-York*, the 22d instant: By which you will observe, that the Legislature of the State of *New-York*, had passed a law in conformity to ours, respecting the running of the jurisdiction-line between the two States, notwithstanding they had previously enacted a law in some measure different.

As the Commissioners appointed to execute that business, propose to proceed upon it in the months of *June* and *July*, you will consider, Gentlemen, whether any further provision is necessary to be made for its completion; and in that case you will be pleased to make it.

JAMES BOWDOIN.

COUNCIL-CHAMBER, April 30, 1787.

X.

MESSAGE from his Excellency the Governour, by the Secretary.
April 30, 1787.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I have just received by the last ship from *London*, a letter from the Hon. Mr. *Adams*, the American Minister there: It was accompanied by a letter from Doctor *Jeffries*, dated in *London*, the 15th of *December* last; in which he says, that the late Province, now State of *Massachusetts*, are indebted to him, for acknowledged professional services, as Physician to the Provincial poor in the years 1774 and 1775, the sum of six hundred and ninety-three pounds, nineteen shillings, and ten pence, lawful money; that the accounts and vouchers have all been examined, approved, and reduced to that amount; and also certified by the signatures of the then proper persons, authorized to take cognizance of, approve and certify them; and that by his Attorney and Agent he has been continually soliciting payment:

The

The letters will be laid before you, and you will do in this business, Gentlemen, what shall appear to you just and right.

JAMES BOWDOIN.

COUNCIL-CHAMBER, April 30, 1787.

XI.

Form of a bond to be given by the Treasurer and Receiver-General of this Commonwealth. April 30, 1787.

Know all men by these presents, that we *Alexander Hodgdon*, of *Boston*, in the county of *Suffolk*, in the Commonwealth of *Massachusetts*, Esq; as principal, and *John White*, Esq; merchant, *John Lucas*, Esq; and *John Warren*, Esq; all of *Boston* aforesaid as sureties, are held, and stand firmly bound and obliged to his Honor *Thomas Cushing*, Esq; as first Councillor of this Commonwealth, the Hon. *Samuel Phillips*, jun. Esq; as President of the Senate, and the Hon. *Artemas Ward* Esq; as Speaker of the House of Representatives, and to their successors in the respective offices before named, agreeably to a resolve of the General Court, passed the twenty-seventh day of *April* 1787, in the full and just sum of *thirty thousand pounds*, to be paid to the said *Thomas Cushing*, *Samuel Phillips*, jun. and *Artemas Ward*, Esq; or to their successors in said offices, of being first Councillor, President of the Senate, and Speaker of the House of Representatives, to and for the use of the Commonwealth aforesaid, to which payment well and truly to be made, we bind ourselves, our heirs executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this thirtieth day of *April*, in the year of our Lord, one thousand seven hundred and eighty seven, and in the eleventh year of the Independence of the United States of *America*.

The condition of this obligation is such, That whereas the said *Alexander Hodgdon*, is chosen and appointed by the Hon. the Senate, and House of Representatives of the Commonwealth aforesaid, Treasurer and Receiver-General for the same, for one year, commencing on the twenty-seventh of the present month; if therefore the said *Alexander Hodgdon* shall truly and faithfully discharge the duty of his trust, according to law, and render an account when, and so often as he shall be required by the General Court, of all such sum or sums of money as he shall from time to time receive into the Treasury, and shall well and truly pay to his successor in the said office, or to any other person that may be appointed by the General Court to receive the same, all such sum or sums of money and other property, as upon such settlement of his said accounts, or otherwise shall be found due, and payable from him to this Commonwealth, as Treasurer and Receiver-General aforesaid—then the above written obligation to be void and of none effect; but in default thereof to remain in full force

forc'd. *Provided*, That this bond be put in suit within three years next after the date hereof, and not otherwise.

*Signed, sealed and delivered,
in presence of us,*

Commonwealth of *Massachusetts*.

The Committee appointed to prepare a form of a bond, to be signed and executed by the Treasurer and Receiver-General of this Commonwealth, elected the present session, beg leave to report the foregoing.

Samuel Adams, per order.

In Senate, read and accepted.

In the House of Representatives, read and concurred.

XII.

Resolve on the Governour's Message, referring all accounts for supplies to the troops under General *Lincoln*, furnished by the Selectmen of towns or other persons, for said troops, to the Commissary-General, and Quarter-Master-General. *April 30, 1787.*

Resolved, That all accounts for supplies which belong to the department of the Commissary-General, furnished by the Selectmen of towns, or other persons, for the troops that have been employed for suppressing the late rebellion, be adjusted, liquidated and paid by *Rickard Devens*, Esq; Commissary-General. And that all supplies and transportation furnished as above, belonging to the department of the Quarter-Master-General, be also adjusted, liquidated, and paid by *Amasa Davis*, Esq; Quarter-Master-General. And whereas many of the accounts above mentioned, have charges against both departments, which cannot be separated without putting those who present them to insuperable difficulties. Therefore

Resolved, That the said Commissary-General, and Quarter-Master-General, keep their offices contiguous while transacting said business, and that they conduct the settlement of those mixed accounts, in such a manner as shall be attended with the least difficulty to the persons who present them, and also preserve each his account separate and clear, with proper vouchers, for their settlement.

XIII.

Resolve confirming the doings of the commissioned officers of the Militia, who have taken; but not subscribed the declaration and oaths, provided said officers subscribe the declaration and oaths by the first of *June* next. *April 30, 1787.*

Whereas some of the commissioned officers of the Militia of this Commonwealth, have entered on the business of their offices, having

taken, but not subscribed the declaration and oaths prescribed by the constitution. And whereas doubts have arisen respecting the validity of the doings of those officers in their military capacity. Therefore

Resolved, That the doings of those officers in their said capacity, as far forth as they have been conformable to the duties of their several offices, be, and they hereby are established as legal and valid, the formal deficiency aforesaid notwithstanding: provided those officers shall subscribe the declaration and oaths prescribed by the constitution, on or before the first day of June, next ensuing.

XIV.

Report of Commissioners appointed to promise pardon to certain offenders.

April 30, 1787.

Commonwealth of Massachusetts.

The Commissioners appointed to execute a resolve of the General Court, of the 9th of March last, proceeded without delay to the counties of Hampshire and Berkshire, beginning their business in the latter. They dispersed printed copies of the resolution of the Legislature, which expressed their power and duty;—caused the same to be printed in the public papers, which circulate in the western counties, and gave public notice of the times when, and places where, they would attend on the business of their commission. The people were also informed, that those who wished to avail themselves of the clemency of government, might find their advantage in stating briefly, the particular instances of criminal conduct with which they are severally chargeable—what offices they had sustained under the government, if any—and the capacity in which they had acted in opposition to government;—and that all applications must be accompanied with a recommendation from two or more persons, of known attachment to the government, certifying that they have good reason to believe that the person in whose favour the recommendation is given, is duly penitent for his crime, properly disposed to return to his allegiance to the State, and to discharge the duty of a faithful citizen thereof.

After applications for indemnity were made, as much time was taken for consideration and enquiry, as the nature and multiplicity of the business would allow, before answers were given; and where the evidence in favor of the applicants, comported with the requirements of the resolve aforesaid, the Commissioners proposed their subscribing a declaration in the form following, viz.

“ We the subscribers, having been concerned in the present Rebellion,
 “ hereby declare our sincere penitence therefor; that we are heartily dis-
 “ posed to return to our allegiance to the State; that we will defend the
 “ government, and by a punctual compliance with its laws, discharge the
 duty

“ *duty of faithful citizens ; and in our several stations, and according to our respective influence, exert ourselves to induce others to exercise the same conduct.*”

Those who subscribed the foregoing declaration (which was done almost universally with great readiness, and in no instance refused, where it was offered) having previously taken and subscribed the oath of allegiance to the Commonwealth, received from the Commissioners, a certificate in the form following,

“ *This may certify, that* *who has been concerned*
 “ *in the present Rebellion, has declared his sincere penitence therefor ; that he is heartily disposed to return to his allegiance to the State ; that he will defend the government, and by a punctual compliance with its laws, discharge the duty of a faithful citizen : In consequence thereof, he has received from the subscribers, by virtue of a resolve of the General Court, passed on the 9th of March last, a promise of indemnity for the crime above-mentioned.*”

Seven hundred and ninety, whose names will be lodged in the Secretary's office, have received a promise of indemnity, and the chief of them without any reservation whatever ; a small number of the most aggravatedly guilty, of those who were intitled to indemnity on any terms, have received it, upon the conditions, restrictions and disqualifications enumerated in an act of the General Court of the 16th of February last, and some upon the condition of their keeping the peace, and being of the good behaviour. These terms were to continue for one, two or three years, according to the nature and aggravations of the offences. At the same time, notice was given *that an uniform tenor of good conduct, would afford ground to hope for remission of those restrictions and disqualifications, at an earlier period than was specified in their certificates ; and that they might expect this would be done, as soon as it would consist with the safety, honor and happiness of the Commonwealth.*

Some had offended in such a manner, that the Commissioners could not, without violating their duty, interpose in their favor, in any way whatever.

About thirty in each county, who had been more than commonly active and influential, were informed, that the same confidence which had enabled them to lead numbers astray from their duty, gave them a superior advantage for reclaiming their deluded followers ; and that it was particularly incumbent on them, very assiduously to improve that confidence for this purpose ; that an opportunity would be given them therefore, and that, upon their duty improving it, they might expect to be further sharers in the mercy of their injured country.

The Commissioners, in the prosecution of their business, have directed their enquiries to the occasion of the insurrection and rebellion which has taken place. The result of this enquiry has been a conviction, that among

a variety of causes which have been co-operating to produce so much evil, public and private debts, and the *latter especially, have been the most operative*; and that an undue use of articles of foreign growth and manufacture, has been the principal cause of this accumulation of debts.

The people who made application to the Commissioners, very generally declared, that they had been deluded, with regard to the proceedings of the General Court, and the situation of things in the different parts of the Commonwealth.

Although it is painful to make the declaration, that duty which we owe the community, obliges us to say, that from the representations which have been made, there is great reason to believe, too many persons, who have been Members of the General Court, instead of giving that information of the reasons and principles upon which the acts and resolves of the Legislature have been founded, which might have satisfied the rational enquirer, and have silenced the unreasonable complainer, have, by their conversation and conduct, irritated and inflamed the restless and uneasy, and alarmed the peaceable uninformed citizen.

Those to whom a promise of indemnity has been made, very generally appear to be grateful for the lenity of government, and from the disposition they discovered, many of them would, we doubt not, on a future call to it, be among the foremost, to lend their aid to defend the Commonwealth.

We were informed, that in divers places, the people were giving *the best evidence of their friendship to the government*, by making unusual exertions to discharge their taxes,—that in one part of the county of Berkshire, a determination was formed to collect by tax, their proportion of the continental domestic debt, that they may easily discharge their part of it; and from what appeared of the disposition of the people with whom we had business to transact, there is a flattering prospect, if an uniform system of government should be pursued, if so many examples, and so many only, should be made; as will be necessary to produce a conviction, that government must and will be supported; and if the mercy of government should be extended to the qualified subjects of it,—that, in those counties, which have been lately torn by dissention, government will be more firmly established, than it has been at any period since the revolution.

BENJAMIN LINCOLN,
SAMUEL PHILLIPS, jun.
SAMUEL A. OTIS,

} Commis-
sioners.

BOSTON, April 27, 1787.

In the HOUSE OF REPRESENTATIVES, April 30, 1787.

Read and accepted, and

Ordered, That the Secretary cause the foregoing report to be printed in the *Independent Chronicle*.

Sent up for concurrence.

In SENATE, April 30, 1787.

Read and concurred.

XV.

Resolve on the petition of the Hon. *John Hancock*, Esq; allowing him pay from the proceeds of the estate of *William Bowes*, an absentee. May 1, 1787.

On the petition of the Hon. *John Hancock*, Esq;

Resolved, That there be allowed and paid out of the public Treasury of this Commonwealth, to the Hon. *John Hancock*, Esq; from the proceeds of the estate of *William Bowes*, late of *Boston*, an absentee the sum of *three hundred pounds, and one penny*; that sum being the remainder of the sum of *three hundred and fifty pounds thirteen shillings and four pence*, for which, the said Hon. *John Hancock*, Esq; recovered judgment in damage against the said *William Bowes*, at the Supreme Judicial Court, holden at *Boston*, on the last Tuesday or *August*, A. D. 1786; after deducting therefrom the sum of *thirty-six pounds, thirteen shillings and three pence*, which has been already paid and endorsed on the execution that issued on the judgment aforesaid. *Provided nevertbeless*, if it shall appear, that the lawful demands against the estate of the said *William Bowes*, amount to more than the proceeds of the said estate, that have been paid into the public Treasury of this Commonwealth; that then, and in that case, the said Hon. *John Hancock*, Esq; shall be entitled to receive no more by virtue of the foregoing resolve, than his proportion or rateable part of the aforesaid sum of *three hundred pounds, and one penny*,

XVI.

Resolve on the petition of *Anthony Paine*, permitting certain prohibited articles, imported in the brig *Nancy* from *London*, to be landed, the owners paying the duties, &c. May 1, 1787.

Whereas it hath been represented to this Court, that several articles among those, which by an act of the General Court, of the seventeenth of *November*, 1786, were prohibited from being landed after the first of *March* then following, were shipped in *London*, in the former part of *January* last, on board of the brigantine *Nancy*, Capt. *Cushing*; that by a long and tedious passage, the said vessel did not arrive until some time af-

ter the said act began to operate; and there being reason to apprehend, that the shippers of the said articles, were not apprized of the act above-referred to, previous to their shipping the same, and that no fraud was intended:

Therefore *Resolved*, That the said prohibited articles imported in the brigantine *Nancy*, Capt. *Cusking*, be, and they are hereby permitted to be landed, the owners or consignees thereof paying the duties, and observing the rules and regulations, they would have been subject to, had the same arrived before the first of *March* last, any act or resolve to the contrary notwithstanding.

XVII.

Resolve granting the Commissary-General, *two thousand pounds*, and the Quarter-Master-General, *six thousand pounds*. *May 1, 1787.*

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to *Richard Devens*, Esq; Commissary-General, the sum of *two thousand pounds*, out of the specie part of the tax granted in *March* 1786, to enable him to pay the expence in his department, for suppressing the Rebellion in this Commonwealth; he to be accountable for the same.

And it is further *Resolved*, That there be allowed and paid out of the Treasury aforesaid, to *Amasa Davis*, Esq; Quarter-Master-General, out of the tax aforesaid, the sum of *six thousand pounds*, to enable him to pay the expence incurred in the same service in his department; he to be accountable for the same.

XVIII.

Resolve on the petition of *Ebenezer Crafts*, making provision for the pay of persons employed as cavalry, for their horses. *May 1, 1787.*

On the petition of *Ebenezer Crafts*, praying that adequate recompence may be made to such persons as have been employed as cavalry in suppressing the present Rebellion, for the use of their horses; and whereas no provision has been heretofore made for that purpose:

Therefore *Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth, to each and every person, whether officer, non-commissioned officer or private soldier, who shall have been actually employed as cavalry, in the service of this Commonwealth, for suppressing the present Rebellion, the sum of *two shillings* per day, as a full compensation for the use of the horses which have been actually employed as aforesaid; to be paid in the same manner, as is already provided for the pay of the militia, who have been employed in suppressing the present Rebellion.

Resolve

XIX.

Resolve on the petition of *James Sullivan*, in behalf of *Isaac Fox*, reverfing the judgment mentioned, and granting a new trial at the Court of Common Pleas, in the county of *Middlefex*. May 1, 1787.

On the petition of *James Sullivan*, Esq; in behalf of *Isaac Fox*, of *Dracut*, in the county of *Middlefex*; yeoman, praying that the judgment obtained againft him the faid *Fox*, at the Court of Common Pleas, held at *Concord*, in and for the county of *Middlefex*, on the fecond Tuefday of *March*, 1786, for *one hundred and feventy-two pounds, fourteen fhillings and fix pence*, in an action of debt brought againft him by one *Jonathan Simpson*, of *Bristol*, in the Kingdom of *Great-Britain*, Esq; may be fet afide, and a new trial ordered thereon; for reafons fet forth in faid petition,

Resolved; That the above defcribed judgment be, and hereby is reverfed and declared null and void, and that a new trial fhall be had. on the above defcribed cafe, at the Court of Common Pleas, to be holden at *Groton*, in and for the county of *Middlefex*, on the third Tuefday in *May* current; and the Juftices of the fame Court, are hereby empowered and directed, to hear and determine the fame, in all refpects, as they fhould or ought to do, if the fame cafe was regularly depending by continuance in the faid Court, and that execution on the afore-mentioned judgment be ftayed; and that the faid *Isaac Fox*, ferve the faid *Jonathan Simpson*, or his Attorney, with an attested copy of this refolve, feven days at leaft, before the fitting of the faid Court at *Groton*.

XX.

Resolve directing the Commiffary-General to repair the State-Houfe.

May 1, 1787.

Resolved, That *Richard Devens*, Esq; Commiffary-General, be, and he is hereby directed, to repair the iron ballufter, and fteps, at the eaft end of the Court-Houfe, and lay his account therefor before the General Court, for adjustment and payment.

XXI.

Resolve granting *three hundred and feventy-five pounds*, to the Executors of the late *Treasurer Ivers*, for his fervices to *June*, 1786. May 1, 1787.

Whereas it appears to this Court, that there has been no grant made to the late *Treasurer, Thomas Ivers*, Esq; for his fervices from the firft of *June*, 1785, to the firft of *June*, 1786:

Resolved;

Resolved, That there be allowed and paid out of the public Treasury, to *Mary Ivers*, and *Samuel Parker*, Executors to the last will and testament of the said *Thomas Ivers*, Esq; the sum of *three hundred and seventy-five pounds*, in full for his services, as Treasurer and Receiver-General, from the first day of *June*, 1785, to the first day of *June*, 1786, aforesaid.

XXII.

Resolve on the petition of *Aaron Brown*, granting *one hundred pounds*, arising from fines paid by persons convicted in the late Rebellion, to enable him to rebuild his pot-ash works, in case. *May 1*, 1787.

Whereas *Aaron Brown*, of *Groton*, has represented to this Court, that his pot and pearl-ash works were destroyed by fire, and also exhibited evidence which affords good reason to believe, that the same were destroyed by some unknown and wicked incendiary, in consequence of his great exertions in the support of good government.

And whereas it is incumbent on the Legislature of this Commonwealth, to encourage the manufacture of pot and pearl-ash, as well as to provide as far as consistently may be, that no person shall suffer injury in consequence of his exertions to support and defend the government :

Resolved, That there be paid out of the Treasury of this Commonwealth, to *Aaron Brown*, from the money arising from the fines, which are or shall be paid by persons who have been or shall be convicted of being concerned in the late Rebellion, the sum of *one hundred pounds*, to enable him to rebuild his pot and pearl-ash works. *Provided notwithstanding*, If the said *Brown*, shall hereafter discover the perpetrators of the aforesaid wicked act, and shall recover the damage he has sustained, he shall in that case repay the said sum of *one hundred pounds*, into the Treasury, taking duplicate receipts, one of which he shall lodge in the Secretary's office.

XXIII.

Resolve on the petition of *General Shepard*, allowing pay to *Benjamin Tupper* and *Samuel Barnard*, jun. Esq's. *May 1*, 1787.

On the petition of *Major-General William Shepard*, praying that *Benjamin Tupper* and *Samuel Barnard*, jun. Esq's. who served under him as assistant aids, in *January* and *February* last, may be allowed the same wages as commissioned aids are entitled to :

Resolved, For reasons set forth in said petition, that the prayer thereof be granted, and that the said *Benjamin Tupper* and *Samuel Barnard*, jun. Esq's. be, and they are hereby intitled to receive the same wages, for the time they

they were actually in the service of this Commonwealth, with Major-General *Shepard*, as set forth in the petition aforesaid, which commissioned aids de camp are by law intitled to, any law or custom to the contrary notwithstanding.

XXIV.

Resolve on the petition of *Nicholas Pike*, exempting from excise duties, his system of arithmetick. May 1, 1787.

On the petition of *Nicholas Pike*, Esq; praying that he may be exempted from excise duties, in the publication of his system of arithmetic, which he has prepared for the use of the public :

Resolved, That as the said system may essentially serve the present and future generations, that the prayer of the petitioner be granted, and that he be, and hereby is exempted from all excise duties in the necessary publications relative to the said treatise, and that the Collectors of excise be, and are hereby directed to govern themselves accordingly.

XXV.

Resolve establishing the pay of the Quarter-Master-General and Deputy-Commissary-General's department. May 1, 1787.

Resolved, That the following be the establishment for the pay of the Quarter-Master-General's department, and for the Deputy-Commissary-General, &c. viz.

Quarter-Master-General,	£. 24	per month,
Deputy-Quarter-Master,	12	per Ditto,
Clerk,	4 10	per Ditto,
Deputy-Commissary-General,	15	per Ditto,
Assistant-Deputy-Commissary or issuing Commissary, each, }	8	per Ditto,
Clerk,	4 10	per Ditto,

Any resolve to the contrary notwithstanding, to be paid in the same manner, as is already provided for paying the militia who have been employed in suppressing the present rebellion.

XXVI.

Resolve for paying Dr. *William Eustis* and others, Surgeons, &c. under General *Lincoln*. May 1, 1787.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to Doctors *William Eustis*, and *Aaron Dexter*, for their services as chief Physicians and Surgeons of the army, under the command

of Major-General *Lincoln*, the sum of *fifteen pounds*, per month, each, and to *David Hull* and *George Bartlett*, as surgeons mates in the same department, the sum of *seven pounds ten shillings*, per month, each, for their respective services as aforesaid, agreeably to a roll by them exhibited, to be paid in the same manner as is already provided for, by a resolve for the payment of the militia, employed for suppressing the present rebellion.

XXVII.

Resolve for liquidating and settling the accounts exhibited by persons who have performed services or furnished supplies, quarters, &c. for the army employed by government in the present rebellion, establishing the rates. *May 1, 1787.*

Resolved, That in liquidating and settling the accounts which may be exhibited against this Commonwealth, by persons who have performed services, or furnished supplies, quarters, &c. for the army employed by the government, in the present rebellion, the following rates of charge be observed, *viz.*

Quarters and fuel 24 hours, *three pence* per man.

Quarters only, 24 hours, *one penny* per man.

Wood, *seven shillings* per cord.

Horse keeping, at hay, *ten pence* per night.

Indian corn, *two shillings* and *ten pence* per bushel.

Rye, *three shillings* per bushel.

Oats, *one shilling* and *nine pence* per bushel.

One man, two horses and sleigh, *six shillings* per day, if the public furnished them with rations and forage; otherwise *eleven shillings* per day.

One man, two oxen and sled, *four shillings* and *six pence* per day, if found with rations; and otherwise, *eight shillings* per day.

One man, two oxen, one horse and sled, *six shillings* per day, if found as aforesaid; otherwise *eleven shillings* per day.

One man, four oxen and sled, *six shillings* per day, if found as aforesaid; otherwise *eleven shillings* per day.

One man, two oxen, two horses and sled, *seven shillings* per day, if found as aforesaid; otherwise *twelve shillings* per day.

Provided, the drivers were not soldiers, nor made up in the muster-roll of any company as such; in which case, *one shilling* and *four pence* per day, is to be deducted from the above rates; *provided also*, the above rates shall not operate, in cases where special contracts have been made with towns or individuals, by the proper officers for that purpose.

Resolved, That the Selectmen of the several towns who have been employed in supplying the army with provisions, &c. agreeably to the militia law, upon their exhibiting proper accounts thereof, be allowed and paid out of the treasury of this Commonwealth, *four shillings* per day, for the time

time they were actually employed in that business. All the above-mentioned services, supplies, &c. to be paid in the same manner as is already provided for the payment of the militia employed in suppressing the present rebellion.

XXVIII.

Resolve for paying the Governour's salary. May 2, 1787.

Whereas it appears, that the sum of *twelve hundred and ninety-one pounds*, is due to his Excellency the Governour, for his salary to May twenty-fifth, instant :

Resolved, That the Treasurer of this Commonwealth be, and he is hereby authorized and directed, to pay the sum of *twelve hundred and ninety-one pounds*, due to his Excellency Governour *Bowdoin*; for his salary up to May twenty-fifth instant, from the specie part of tax No. 5, or that part of the revenue arising from excise and impost, that was left for the future appropriation of government, and which is not already specially appropriated.

XXIX.

Resolve on the petition of *Thomas Stephens* and *William Bartlett*. May 2, 1787.

On the petition of *Thomas Stephens* and *William Bartlett*, praying they may be discharged from a bond, which now lies against them, in favour of this Commonwealth, given in consequence of a seizure of their Brigantine *Harmony* and cargo.

Resolved; That the said *Thomas Stephens* and *William Bartlett*, be, and they are hereby discharged from their said bond, so far as any forfeiture may have accrued to this Commonwealth, and that the Collector of Excise and Impost for the county of *Suffolk*, be, and he is hereby directed, to cancel and deliver to the said *Stephens* and *Bartlett*, their said bond, upon their satisfying the said officer, for his share of the forfeiture, and paying charges incurred.

XXX.

Resolve authorizing the honourable Council to pass Capt. *Buffington's* roll, it not being sworn to, notwithstanding. May 2, 1787.

Resolved, That the honourable Council be, and they are hereby authorized and empowered; to examine and pass upon the pay roll of Capt. *Samuel Buffington's* Volunteer Company of Cavalry, in like way and manner, as if the same had been sworn to agreeably to the requisition of law.

Resolve

XXXI.

Resolve adjourning the Court of General Sessions of the Peace, and Court of Common Pleas in the county of *Middlesex*, to the fourth Tuesday in May inst. May 2, 1787.

Whereas by reason of the sitting of the Supreme Judicial Court, at *Concord*, on the second Tuesday of May instant, the sitting of the Court of General Sessions of the Peace, and Court of Common Pleas, at *Groton*, on the Tuesday following, may be attended with inconveniencies.

Resolved, That the said Court of General Sessions of the Peace, and Court of Common Pleas, by law to be holden at *Groton*, within and for the county of *Middlesex*, on the third Tuesday of May instant, shall be holden at *Groton* aforesaid, on the fourth Tuesday of the same month, and that all writs, processs and recognizances, returnable to, and all appeals made to the said Court of General Sessions of the Peace, and Court of Common Pleas, appointed by law to be holden at *Groton*; and all matters, causes and things, that have day or that might have had day, been moved or done at, in, or by the said Courts, at the time so appointed for holding the same, shall be returnable to, and may be entered, prosecuted, had, moved and done at, in, and by the said Courts, at the time herein appointed for holding the same. And the Secretary is hereby directed, to publish this resolve, in the two next *Adams and Nourse's, Hall's, and Charlestown* papers.

XXXII.

Resolve on the petition of *Paul Whitney*, empowering two Justices of the *quorum*, in the county of *Hampshire*, to grant him a licence. May 2, 1787.

On the petition of *Paul Whitney*, praying that he may be licenced, as an Innholder.

Resolved, That the prayer of the petition, be so far granted, that two Justices of the Peace, within and for the county of *Hampshire*, *quorum unus*, be empowered, and they are hereby authorized and empowered, to grant him licence, he complying with the requisitions by law, in that case made and provided.

XXXIII.

Resolve on the petition of *Sampson Wetberell, jun.* granting him *six pounds, four shillings*. May 2, 1787.

On the petition of *Sampson Wetberell, jun.* praying that he may be paid for an horie he lost in the service of the Commonwealth, and for the use of another horie and sley, as set forth in said petition. *Resolved*,

Resolved, That said *Witberell* be paid out of the treasury of this Commonwealth, the sum of *six pounds four shillings*, in full compensation for the horse lost; and for the use of the horse and sleigh aforesaid.

XXXIV.

Resolve allowing to the Hon. *Benjamin Lincoln*, *Thomas Rice*, and *Rufus Putnam*, Esq's. the sum of *twelve shillings* per day, out of the specie tax, as Commissioners for treating with the *Penobscot* Indians: *May 2, 1787.*

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, from the specie part of the tax granted in *March, 1786*, to the Hon. *Benjamin Lincoln*, *Thomas Rice* and *Rufus Putnam*, Esq's. the sum of *twelve shillings* a day, each, for each day they were employed as Commissioners for treating with the *Penobscot* tribe of Indians.

And the Governour, with advice of Council, is requested to issue his warrant on the Treasurer, for payment of their accounts, exhibited agreeable to this resolve.

XXXV.

Resolve on the petition of *Phoenix Frazier*, giving him leave to enter anew, at the Court of Common Pleas to be holden at *Barnstable*, on the first Tuesday of *November* next, the action mentioned. *May 2, 1787.*

On the petition of *Phoenix Frazier*, praying for leave to enter anew, in the Court of Common Pleas to be holden at *Barnstable*, on the first Tuesday of *November* next, an action commenced against him by *Mary Lyndes*, of *Yarmouth*, administratrix to *Laban Lyndes*, deceased, upon which action judgment was rendered against him on default, at the Court of Common Pleas holden at *Barnstable*, on the first Tuesday of *April* last:

Resolved, That the prayer of said petition be granted, and that the said *Phoenix Frazier*, have leave to enter anew, at the Court of Common Pleas to be holden at *Barnstable*, on the first Tuesday of *November* next, the action aforesaid; and that he may then and there have advantage of all such evidence and proceedings, as though no default had been made nor judgment rendered in said action; and that execution thereon shall be stayed; he the said *Phoenix Frazier* serving the said *Mary Lyndes* or her Attorney in the aforesaid action, with an attested copy of this resolve, at least fourteen days before the sitting of the aforesaid Court, to be holden at *Barnstable* aforesaid on the first Tuesday of *November* next.

XXXVI.

Order, appointing a Committee to wait upon his Excellency the Governour, with an answer to his Excellency's speech at the opening of the Session. *May 2, 1787.*

IN SENATE, 1st *May, 1787.*

Ordered, That *Samuel Adams* and *Cotton Tufts*, Esquires, with such as the Hon. House may join, be a Committee to wait upon his Excellency the Governour, with the following answer to his Excellency's Speech, at the opening of the Session.

Sent down for concurrence.

SAMUEL PHILLIPS, jun. President.

In the HOUSE OF REPRESENTATIVES, *May 2, 1787.*

Read and concurred, and Mr. *Breck*, Mr. *Hunt*, and Mr. *Kilham*, are joined.

ARTEMAS WARD, Speaker.

TO HIS EXCELLENCY

JAMES BOWDOIN, Esq;
Governour of the Commonwealth of *Massachusetts*.

May it please your Excellency,

THE General Court have attended to your Excellency's Speech at the opening of the present session, and beg leave to assure you, that your calling the General Court together, at a period as early as possible, after the decease of *Thomas Ivers*, Esq; the late Treasurer, has met their entire approbation, and cheerfully do we join in the tribute, which your Excellency has so justly paid to the memory of the deceased.

Your Excellency has lead us to take a retrospect of the late measures of government, respecting the Rebellion; and while it is with regret that we contemplate the necessity of those measures, and the expence to our constituents thereby incurred, we are happy to find that the success of them has so far corresponded with the purposes for which they were intended. With pleasure we accept your Excellency's congratulations on this success; and cannot but flatter ourselves, that by a continuation of those measures, the wished for blessings of peace, order and tranquility, will be fully restored to those counties, in which alarming commotions had arisen and prevailed.

Our recommendations of the measures which have been adopted, and co-operation with your Excellency in carrying them into effect, have proceeded from a clear conviction of their necessity and importance.

The confidence we have placed in your Excellency, the approbation we have heretofore expressed of the part you have acted, of the wisdom and

and firmness which have been so fully manifested in the execution of the measures of government on this great occasion, as well as of your administration in general, have been no other, than the dictate of real sentiment.

The manner in which your Excellency has thus far passed through the several grades of political life, and during a period the most interesting to *America*, must naturally, upon review, afford satisfaction. We are pleased to find your Excellency possessing this satisfaction, and we doubt not, it will remain to you a source of real enjoyment.

Having been long versant in public affairs, and having had so large a share in the honours of your country, how much soever your Excellency may have a wish for retirement, considering the critical situation our affairs are still in, with the hopes which might be entertained, from a person of your Excellency's experience, abilities and peculiar qualifications, joined with your exemplary life, your Excellency, we trust, will excuse us, if in such a wish, we cannot so readily concur.

Your wishes, so strongly expressed for our welfare and happiness, we gratefully accept; may your Excellency with health and tranquility receive and enjoy those marks of esteem and benevolent affection from a grateful people, which are the proper reward of distinguished merit.

With real ardour we readily join with your Excellency in the further wish, "That the people of this Commonwealth may have just ideas of liberty; and not lose it in licentiousness, and its natural consequent, despotism: That they may revere the Constitution of their own framing, and govern their conduct by the principles of it."

Persuaded we are, that under the direction and influence of those principles, "The Commonwealth will rise superior to its present embarrassments; and evince to the world, that a Republican Government, founded, like ours, on the principles of equal liberty, may not only long subsist, but effectually answer the salutary purposes for which Government was designed."

XXXVII.

Resolve allowing the Committee on accounts extra pay. May 2, 1787.

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to the Hon. *Joseph Hojner, Ezra Sargeant and John Carnes, Esq's.* the sum of *thirteen shillings and six pence* each, amounting in the whole to the sum of *two pounds and six pence*, in addition to their pay as members of the General Court; which sum is in full for their services, as a Committee to pass on accounts the present session; and that the aforesaid sum be added to the pay-roll, and be paid in the same manner as the members of the General Court are paid.

Resolve

XXXVIII.

Resolve establishing the pay of the members of the General Court, and grants to Clerks, with directions to the Treasurer to borrow *five hundred pounds*. May 2, 1787.

Resolved, That there be allowed and paid out of the public treasury, the sum of *eight shillings*, to each member of the honourable Council; and the sum of *seven shillings and six pence*, to each member of the honourable Senate; and the sum of *seven shillings* to each member of the House of Representatives, for each day they have attended the Council or General Court the present sessions; also the further sum of one day's pay, for every ten miles distance each member lives from the place of the Court's sitting.

And it is further *Resolved*, That there be granted and paid out of the public treasury of this Commonwealth, to the Hon. *Samuel Phillips*, jun. Esq; President of the Senate, the sum of *six shillings* per day, for each day's attendance the present session of the General Court; to the Hon. *Artemas Ward*, Esq; Speaker of the House of Representatives, the sum of *six shillings* per day, for each day's attendance on the General Court, over and above their respective pay as members thereof.

Resolved, That there be allowed and paid out of the public treasury, to Mr. *George Richards Mimat*, Clerk of the House of Representatives, and to Mr. *Samuel Cooper*, Clerk of the Senate, the sum of *six pounds* each, in full for their attendance on the General Court the present session.

Resolved, That the Treasurer be, and he hereby is directed and empowered, in case there is no money in the treasury, to borrow a sum of money, not exceeding *five hundred pounds*, to be applied for the purpose of paying the honourable Council, Senate and House of Representatives, their travel and attendance at the present session of the General Court; to be paid out of the first monies that may be brought into the treasury, on the specie part of the last State tax, which is not already appropriated. And in case the Treasurer cannot borrow a sum sufficient to pay the sums which may be due for the services aforesaid, the Treasurer is hereby further directed, to draw orders on the specie part of the last State tax, for such deficiency.

XXXIX.

Resolve discharging *Robert* and *Alexander Barr*, of *two hundred pounds*, granted *November 1786*; and also giving them a gratuity; and directing the machines to be left with the Hon. *Hugh Orr*, Esq; until further order, and notice thereof to be given in *Adams and Nourse's* paper. May 2, 1787.

Whereas by a resolve of the General Court, passed the 16th of *November, 1786*, the sum of *two hundred pounds* was directed to be paid out of the

the public treasury of this Commonwealth, to *Robert and Alexander Barr*; to enable them to compleat certain machines for carding, roping and spinning cotton, and sheep's wool. And whereas the said *Robert and Alexander Barr*, have exhibited to this Court an account of the expenditure of *one hundred and eighty-nine pounds, and twelve shillings*, of the sum aforesaid, which account appears to be just and reasonable. And whereas by the resolve of the General Court, passed the sixteen of *November* aforesaid, it is further resolved, "That a gratuity, such as the General Court may hereafter agree upon, (when a full trial shall have been made of the utility and public advantage of those machines) shall be given to the said *Robert and Alexander Barr*, as a reward of their ingenuity, and as an inducement to other ingenious artists and manufacturers to bring their arts also into this Commonwealth." Therefore;

Resolved, That the said *Robert and Alexander Barr*, be, and they hereby are discharged from the whole of the said sum of *two hundred pounds*, granted as aforesaid; and also that six tickets, in the Land-Lottery established by an act passed the 14th of *November*, A. D. 1786, be given by this Commonwealth to the said *Robert and Alexander Barr*, "as a reward for their ingenuity in forming those machines, and for their public spirit in making them known to this Commonwealth." And the managers of the said Lottery are hereby directed to deliver to the said *Robert and Alexander Barr*, six lottery tickets accordingly, taking duplicate receipts for the same, one of which to be lodged in the Secretary's office.

And it is further Resolved, That the said machines be left under the care of the Hon. *Hugh Orr*, Esq; until the further order of the General Court; and that public notice be given, for three weeks successively, in *Adams and Nourse's* news-paper, that the said machines may be seen and examined, at the house of the Hon. *Hugh Orr*, Esq; in *Bridgewater*; and that the manner of working them will be there explained to those who may wish to be more particularly informed of their great use and advantage, in carrying on the wollen and cotton manufactures. And the said Hon. *Hugh Orr*, Esq; is hereby requested to explain to such citizens as may apply for the same, the principles on which the said machines are constructed, and the advantages arising from their use, both by verbal explanations, and by letting them see the machines at work.

And it is further Resolved, That the said Hon. *Hugh Orr*, Esq; be, and he hereby is permitted and allowed, to make use of the said machines, during the whole time of his having the care of them as aforesaid, as some recompence for his own time and trouble in shewing them, and explaining their use to the citizens of the Commonwealth at large.

XL.

Resolve on the petition of *Francis Bridge*,—Mr. *James McElwain* to be served with a copy, &c. to shew cause. May 2, 1787.

On the petition of *Francis Bridge*, of *Winchendon*, setting forth, that an action was commenced against him by *James McElwain*, of said *Winchendon*, for taking unlawful interest; and that he never had any knowledge of said action, until he was defaulted, and praying that the said judgment that was rendered against him by said default, might be set aside:

Resolved, That the prayer of the said petition be so far granted, that he have liberty to serve the said *McElwain* with a copy of his petition, and this resolve, fourteen days before the second Thursday of the next session of the General Court, that he may appear on said day, and shew cause (if any he hath) why the prayer of said petition should not be granted; and that execution on the said suit be stayed in the mean time.

XLI.

Resolve directing the Collectors to pay the outstanding taxes, and authorizing the Sheriffs from whom any sums of money are due, to pay to any of the officers or soldiers belonging to the two regiments stationed in the counties of *Worcester*, *Hampshire* and *Berkshire*, in certain articles, not exceeding one month's pay; and directing the Treasurer to receive the orders of said Collectors, &c. on or before the 20th of *June* next; and directing half a month's pay to the commissioned officers.
May 2, 1787.

Resolved, That the several Collectors of the outstanding taxes, and the several Sheriffs from whom any sum or sums of money are due to the Treasurer of this Commonwealth, on any of those taxes, be, and hereby are authorized and directed, to pay to any of the officers or soldiers belonging to either of the two regiments in the service of government, stationed in the counties of *Worcester*, *Hampshire* and *Berkshire*, who shall apply for the same, either in money or any articles of cloathing, a sum not exceeding the amount of one month's pay of each such officer or soldier, taking an order on the Treasurer for the amount of the same; *provided* such order is accompanied with a certificate from the commanding officer of the regiment to which such officer or soldier belongs, that he has done duty in such regiment for the term of one month, for which he has received no pay.

And the Treasurer is authorized and directed, to receive of any of the Collectors or Sheriffs aforesaid, any such order, accompanied with a certificate as aforesaid, equal to specie, in discharge of such taxes; *provided* they are exhibited on or before the 20th day of *June* next.

And it is further *Resolved*, That there be paid out of the treasury of this Commonwealth, from the *forty-thousand pounds* appropriated to the purpose of defraying the expence of suppressing the late rebellion, one half month's pay to each commissioned officer in the aforesaid regiments.

Resolve

XLII.

Resolve on the petition of *Barclay Fanning*, making a resolve of the 6th of *February* last, to stand in full force, until. *May 2, 1787.*

Whereas a resolve, on the petition of *Barclay Fanning*, of *Nantucket*, passed the General Court the 6th of *February* last, directing the said *Barclay Fanning* to notify *Isaac Golding*, for him to shew cause, if any he has, why the said petitioner should not have a new hearing in a certain case wherein he had lost his law; and it not being in the power of the said *Fanning*, as yet, to find the said *Isaac Golding*, to serve him with the said resolve: Therefore,

Resolved, That the resolve of the 6th of *February* aforesaid, stand in full force, until the third Wednesday of the next sitting of the General Court.

XLIII.

Resolve empowering the Treasurer to pay the Commissioners to meet in Convention at *Philadelphia*, the sums ordered, out of the specie part of the tax No. 5, or Impost and Excise. *May 3, 1787.*

On the memorial of *Alexander Hodgdon*, Esq; Treasurer of this Commonwealth:

Resolved, That the Treasurer of this Commonwealth, be, and he is hereby authorized and empowered, to pay to the Hon. *Elbridge Gerry*, *Francis Dana*, and *Caleb Strong*, Esq's. Commissioners, to meet in Convention at *Philadelphia*, the several sums ordered them, by a resolve of the seventh of *March* last, out of the specie part of tax No. 5, or that part of the Excise and Impost appropriated for the use of government, that is not otherwise appropriated.

XLIV.

Resolve removing doubts that have arisen relative to the day from which the pay rolls of the army are to be made up. *May 3, 1787.*

Whereas doubts have arisen relative to the day from which the pay rolls of the army are to be made up: for the removing of which;

Resolved, That the pay rolls of the several corps of the army under the command of Major-General *Lincoln*, be made up from the day they were in actual service respectively; and that the Governour and Council be, and they are hereby empowered and requested, to decide ultimately on the time when such service commenced.

Roll

XLV.

(Roll No. 6.) May 3, 1787.

The Committee on accounts, have examined and passed upon the several accounts presented, and beg leave to report, that the sums set against the names of the towns and persons, hereafter mentioned, if allowed, will be in full discharge of said accounts.

JOSEPH HOSMER, per Order.

To <i>William Baker</i> , for services done for the Commonwealth, as a Sheriff, in <i>December</i> , 1783, not being able to support his account, till now,	£. 4 6 0
To the Overseers of the town of <i>Andover</i> , for supplying <i>Martba Abrahams</i> , and <i>Patty Abrahams</i> , the poor of <i>Charlestown</i> , to <i>March</i> , 1787, and from <i>March</i> , 1786,	23 2 2
To ditto, for supplies for <i>Hannab Hill</i> , and <i>Betty Cary</i> , two of <i>Charlestown</i> poor, and very aged, from <i>March</i> , 1786, to <i>March</i> , 1787,	17 0 5
To ditto for supplying <i>Margaret Plunket</i> , a State's poor; a negro <i>David</i> , another; <i>Sarah Stevens</i> , another, from <i>March</i> , 1786, to <i>March</i> , 1787; and another person, to <i>June</i> ; all State's poor,	13 8 8
To <i>Scipio Purnam's</i> account for boarding, nursing, &c. <i>Henry Thompson</i> , a State's poor, 13 weeks and five days in 1786 and 1787,	8 10 0
To <i>John Gates</i> , for boarding and nursing <i>Mary Bird</i> , <i>Charlestown</i> poor, to <i>December</i> 7, 1786, 52 weeks,	5 7 1
To <i>Loammi Baldwin</i> , Esq; for services done to the Commonwealth, as a Sheriff, as per account will appear,	14 3 4
To <i>Israel Keith</i> , Esq; for his services as Adjutant-General, from <i>December</i> 25th, 1786, to the 25th of <i>April</i> , 1787, and for books and paper,	80 7 0
To <i>Dr. Ebenezer Hunt</i> , for medicine and visits to particular soldiers in <i>February</i> last, he personally attesting to this matter,	0 14 5
To the Selectmen of the town of <i>Mendon</i> , for supplies afforded to <i>John Hunt</i> , and family, consisting of 5 persons, State's poor, to the 19th of <i>February</i> , 1787, being 59 weeks,	4 4 6
To <i>Henry Frank Dupee</i> , for visits and medicines for the aforesaid <i>John Hunt</i> , and family; account examined and approved by a Physician,	4 12 3

To

To <i>Samuel Scammell's</i> bill for a visit and medicine for a child of <i>John Smith</i> , a State's poor, examined and allowed by a Physician,	£. 0 6 0
To <i>Peleg Hatbway</i> , for visits and medicines for the aforesaid <i>John Hunt's</i> family, State's poor, account examined and approved,	1 0 1
To ditto, for ditto, for the aforesaid <i>John Smith's</i> family, State's poor, which account was also examined and approved,	0 5 0
To <i>Sarah Hill</i> , for boarding <i>Samuel Austin</i> , one of the poor of <i>Charlestown</i> , in two bills, from the first of <i>October</i> , 1786, to the first of <i>April</i> , 1787,	16 5 6
To <i>David Fay</i> , for necessary charges when sick in 1777, while a foldier, and upon his return home, now procuring proper vouchers,	13 10 0
To <i>Dr. Jonathan Toy's</i> bill, from <i>January</i> , 1775, to <i>June</i> , 1781, for attendance and medicines upon the application of the guardian of the <i>Natick</i> Indians, and for one of them, examined and approved,	2 16 1
To <i>Joseph Twitchell</i> , guardian to said Indians, for supporting <i>Elizabeth Tray</i> , to <i>March</i> 11, 1787, 52 weeks,	15 0 0
To the same guardian, on account of <i>Sarah Pero</i> , an Indian child, to <i>May</i> , 1st 1787, 59½ weeks,	19 17 0
To the same person, on account of <i>Dinah Spean</i> , 12 weeks; he to be accountable for her estate, as before settled,	4 15 8
To the town of <i>Scituate</i> , for boarding and cloathing three of the children of <i>Hannab Johnson</i> , from the 7th of <i>April</i> , 1785, to 7th of <i>April</i> , 1787, State's poor,	39 1 7
To <i>Norton Brailsford</i> , for cleaning and mending the windows of the State-House, to <i>March</i> 1st, 1787,	16 12 0
To the estate of the late Treasurer <i>Ivers</i> , for his supplies and expenditures, from <i>March</i> , 1786, to <i>April</i> , 1787, including firing for the Council-Chamber, &c each office,	128 18 11
To <i>Timothy Shepard</i> , for visits and medicines, as per account given in to the guardian of the <i>Natick</i> Indians from <i>September</i> , 1775, to <i>April</i> , 1776, examined and allowed,	4 10 0
To <i>Hannab Sanderfon</i> , for nursing <i>Job Shattuck</i> , a State prisoner, two weeks, and her trouble great,	1 10 0
To the Overseers of the poor of the town of <i>Salem</i> , for boarding and other charges, on account of <i>Luke Barns</i> , one of the State's poor, 64 weeks; and expences in burying an Indian woman, murdered in <i>May</i> 1786,	21 14 0

£: 461 18 5

Read and accepted, and thereupon

Resolved, That his Excellency the Governour, with the advice of Council, be, and he hereby is requested, to issue his warrant on the Treasury, for the payment of the persons borne on the aforesaid roll, the sums set against their names respectively, amounting in the whole to the sum of *four hundred and sixty-one pounds, eighteen shillings and five pence*.

The following should have been inserted at the close of the last session; but was accidentally omitted.

Order of the House of Representatives, respecting the Governour's objections to the bill for establishing a salary. *March 10, 1787.*

Ordered, That the Governour's objections, made this day, to the bill for establishing a salary of a fixed and permanent value for the Governour; and repealing a law heretofore made for that purpose, be published; and that the Secretary send copies thereof to the several towns and plantations within this Commonwealth.

His Excellency's Objections.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

THE bill you passed the last evening, relating to the Governour's salary, has been laid before me. I find by it, that it is your opinion, the salary is too high, and that you propose to reduce it from *eleven hundred pounds, to eight hundred*.

The opinion of the General Court is, and ought to be, of great weight: and in most cases, when such is their pleasure, has the sanction of, and is in fact law. But you are sensible, Gentlemen, that according to the Constitution, which is the supreme law, there are cases, to which the Legislative power does not extend; and it is apprehended the object of the present bill is one of them.

In order to have a right conception of this matter, we must recur to the Constitution, which declares, that "it is necessary the Governour should have an honourable stated salary, of a fixed and permanent value, amply sufficient for the purposes mentioned in it: and established by standing laws: and that it shall be among the first acts of the General Court, after the commencement of this Constitution, to establish such salary by law accordingly,—and if it shall be found, that any of the salaries aforesaid, so established, *viz.* the salaries of the Governour and the Justices of the Supreme Judicial Court, are insufficient, they shall from time to time be enlarged as the General Court shall judge proper."

Permit

Permit me, Gentlemen, upon this occasion, to ask, Whether by this article of the Constitution, the right of settling the quantum of the salary was not confined to the first General Court, after the commencement of the Constitution? Whether any power is given to any succeeding General Court, to alter that quantum, unless it should be insufficient: in which case it may be enlarged as the Court shall judge proper? Whether, if it be alterable by diminution by the present General Court, it may not, in the same manner be altered by the next General Court; and again further altered by succeeding General Courts; and thus instead of being established, will it be any thing more than an annual grant, constantly subject to variation and change? Whether, in that case, it can be deemed a stated salary; or of a fixed and permanent value; or established by any standing or permanent law; or can be depended on as amply sufficient for the purposes intended? And whether those purposes, as expressed in the Constitution, would in that case be answered; namely, "that the Governour should not be under the undue influence of any of the members of the General Court, by a dependance on them for his support; that he should in all cases act with freedom for the benefit of the public; that he should not have his attention necessarily diverted from that object to his private concerns; and that he should maintain the dignity of the Commonwealth in the character of its Chief Magistrate?" Whether the proper answers to these queries do not shew that the bill is unconstitutional? and whether in that case it is not incumbent on me to refuse my signature to it; especially as I have, pursuant to the oath of office, solemnly sworn, that I will faithfully discharge and perform all the duties of my office, agreeably to the rules and regulations of the Constitution?

In fact, Gentlemen, I apprehend the bill to be contrary to the Constitution; and that for that reason, as well as in consequence of the oath, I am compelled to return the bill to you for your re-consideration of it, agreeably to the Constitution.

It gives me pain to object to a measure, which appears to be a favourite one, with many Gentlemen of the Court: but from my ideas of your candour, I persuade myself you will not attribute it to any dishonourable or pecuniary motives; especially when I assure you, that no interested considerations relative to myself, have in any degree influenced me to it; and as it must be very uncertain, whether I shall be again called to the chair.

Such a call I shall esteem a great honour, as it will further evince the good will of my fellow citizens: but as the honour was originally conferred without any solicitation on my part, so the continuance of it, if THAT should take place, will be equally unsolicited.

My inclination would lead me to retirement: but if it should be thought, I can be further serviceable to the Commonwealth, I will not desert it: especially at a time, when it is under the pressure of so many embarrassments.

To relieve it in any degree, from such pressure, would give me the highest satisfaction ; and should there be a future opportunity for it, and the General Court should then think the proposed reduction of the salary worthy of their notice, I would, so far as it may respect myself, consent to it : although my annual expenditures do much exceed the whole amount of the salary. But it is not in my power, for the reasons above suggested, nor does it comport with my inclination, to diminish, or in any way, render precarious, the salary of my successors : knowing, by my own experience, that it would be inadequate to the support of them in proper character.

JAMES BOWDOIN.

COUNCIL-CHAMBER, *March 9, 1787.*

In consequence of the foregoing Message, the Honourable House of Representatives re-considered the said Bill, and cancelled it : the Bill having originated in the House.

B O S T O N :

PRINTED BY ADAMS AND NOURSE,

PRINTERS TO THE HONOURABLE GENERAL COURT.

M,DCC,LXXXVII.

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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 Thirtieth Day of *May*, *Anno*
Domini, 1787.

B O S T O N :

PRINTED BY ADAMS AND NOURSE,
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M,DCC,LXXXVI.

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R E S O L V E S
 OF THE
 G E N E R A L C O U R T
 OF THE
 C O M M O N W E A L T H
 O F

M A S S A C H U S E T T S :

Together with the MESSAGES of his Excellency the
 Governour to the said Court :

Begun and held at *Boston*, in the County of *Suffolk*, on
 Wednesday the 30th Day of *May*, Anno Domini, 1787.

H I S E X C E L L E N C Y

JOHN HANCOCK, Esq; Governour.

H I S H O N O U R,

THOMAS CUSHING, Esq; Lieutenant-Governour.

C O U N C E L L O R S.

Honourable Nathan Cushing,
 Jonathan Greenleaf,
 Edward Cutts,
 James Sullivan,
 Oliver Phelps, Esq'rs.

Honourable Israel Hutchinson,
 John Frost,
 Thomas Dawes, and
 Peter Peaniman, Esq'rs.

*The following are the Names of the Gentlemen who compose the two Branches of the
 GENERAL COURT, viz.*

S E N A T O R S.

Hon. SAMUEL ADAMS, Esq; *President.*

For the County of *Suffolk*.
 Hon. Samuel Adams,
 William Phillips,
 Cotton Tufts,
 Stephen Metcalf,
 Elijah Dunbar,
 Benjamin Aulfin, jun. Esq'rs.

County of *Essex*.
 Hon. Stephen Choate,
 Aaron Wood,
 Benjamin Goodhue,
 Trilfram Dalton,
 Peter Coffin, Esq'rs.

County

- County of *Middlesex*.
 Hon. Ebenezer Bridge,
 Joseph Hofmer,
 Joseph B. Varnum,
 Isaac Stearns,
 Walter McFarland, Esq'rs.
 County of *Hampshire*.
 Hon. Caleb Strong,
 John Hastings,
 David Smead, Esq'rs.
 County of *Plymouth*.
 Hon. Charles Turner,
 Nathan Mitchell, Esq'rs.
 County of *Barnstable*.
 Hon. Thomas Smith, Esq;
 County of *Bristol*.
 Hon. Thomas Durfee,
 Abraham White,
 Holden Slocum, Esq'rs.

- County of *Tork*.
 Hon. Tristram Jordan, Esq;
 County of *Worcester*.
 Hon. Seth Washburne,
 Abel Wilder,
 Amos Singletary,
 John Fessenden,
 Joseph Stone, Esq'rs.
 County of *Cumberland*.
 Hon. Josiah Thatcher, Esq;
Dukes-County and *Nantucket*,
 Hon. Matthew Mayhew, Esq;
 County of *Lincoln*.
 Hon. Samuel Thompson, Esq;
 County of *Berkshire*.
 Hon. Thompson J. Skinner,
 Elijah Dwight, Esq'rs.

MEMBERS OF THE HOUSE OF REPRESENTATIVES.

Hon. JAMES WARREN, Esq. *Speaker*.

- County of *Suffolk*.
B { Hon. Caleb Davis, Esq.
O { Hon. Samuel A. Otis, Esq.
S { Thomas Dawes, Esq.
T { Charles Jarvis, Esq.
O { Samuel Breck, Esq.
N { John Coffin Jones, Esq.
N { Mr. John Winthrop.
Roxbury, Thomas Clarke, Esq.
 John Read, Esq.
Dorchester, James Bowdoin, jun. Esq.
Milton, Hon. James Warren, Esq.
Braintree, Col Ebenezer Thayer, jun.
Weymouth, Col. Asa White.
Hingham, Col. Theophilus Cushing.
Dedham, and *Dover*, Mr. N. Kingsbury.
Medfield, Capt. John Baxter, jun.
Stoughton, Elijah Dunbar, Esq.
 Col. Frederick Pope.
Sharon, Mr. Benjamin Randai.
Bellingham, Lieut. Aaron Holbrook.
Medway, Mr. Moses Richardson, jun.
Wrentham, Mr. John Whiting.
Brookline, Mr. Jolin Goddard.
Needham, Mr. Robert Fuller, jun.
Walpole, Mr. Enoch Ellis.
Franklin, Capt. Thomas Bacon.
 County of *Essex*.
Salem, Mr. Richard Ward.
 Mr. Ebenezer Beckford.
 Richard Manning, Esq.
 Edward Pulling, Esq.

- Danvers*, Hon. Samuel Holten, Esq.
Ipswich, John Manning, and
 John Patch, Esquires.
Newbury, Mr. Nathaniel Amory.
Newbury-Port, Theophilus Parsons, Esq.
 Dr. Daniel Kilham.
Marblehead, Hon. Azor Orne, Esq.
 Jonathan Glover Esq.
 Thomas Gerry, Esq.
 Mr. Burrill Diveroux.
Lynn & Lynnfield, John Carnes, Esq.
Andover, Mr. Peter Osgood, jun.
Beverly, Larkin Thorndike, Esq. and
 Mr. Joseph Wood.
Rowley, Capt. Thomas Mighill.
Salisbury, Mr. Joseph March.
Haverhill, Mr. Isaac Osgood.
Gloucester, Capt. William Pearson.
Topsfield, Mr. Thomas Emerson,
Almsbury, Capt. John Bernard.
Bradford, Daniel Thurston, Esq.
Methuen, Capt. Ebenezer Carlton.
Boxford, Mr. Nathan Andrews.
 County of *Middlesex*.
Cambridge Stephen Dana, Esq.
Watertown. Dr. Marshall Spring.
Woburn, Mr. Timothy Winn.
Concord, Mr. Isaac Hubbard.
Newton, Capt. Edward Fuller.
Reading, Mr. William Flint.
Marlborough. Col Edward Barnes.
Billerica, William Thompson.
Framingham, Major Jonathan Hale.

Lexington, Mr. Joseph Symonds.
 Chelmsford, Major John Minot.
 Sberburne, Deacon William Tucker.
 Sudbury, William Rice, Esq;
 Malden, Capt. Benjamin Blaney:
 Weston, Capt. Isaac Jones:
 Medford, Mr. James Wyman.
 Stow, Dr. Charles Whitman.
 Hopkinton, Capt. Walter McFarland:
 Westford, Deacon Samuel Fletcher;
 Waltham, Mr. Abner Sanderfon.
 Groton, Dr. Benjamin Morse.
 Pepperrell, Mr. Joseph Heald.
 Townsend, Capt. Daniel Adams.
 Dracut, Parker Varnum, Esq.
 Bedford, Mr. John Webber.
 Holliston, Samuel Park, Esq:
 Acton & Carlisle, Mr. Thomas Noyes:
 Lincoln, Hon. Eleazer Brooks, Esq.
 Wilmington, Capt. John Harnden.
 Tewksbury, Dea. Ezra Kindell.
 Littleton, Lieut. Samuel Read.
 East-Sudbury, Mr. Phineas Gleason:

County of Hampshire.

Springfield, Samuel Lyman, Esq.
 Long-Meadow, Mr. William Stebbins.
 West-Springfield, Dr. Jonathan White, and
 Capt. John Williston.
 Wilbraham, Capt. Phineas Stebbins.
 Northampton and } Mr. Benjamin Sheldon.
 Easthampton, } Col. William Lyman.
 Hadley, Capt. Oliver Smith.
 South-Hadley, Hon. Noah Goodman Esq.
 Amherst, Mr. Daniel Cooley:
 Hatfield, Mr. Benjamin Smith.
 Whately, Mr. Josiah Allis.
 Williamsburgh, Mr. William Bodman.
 Westfield, Mr. Samuel Fowler.
 John Ingersol, Esq.
 Deerfield, Mr. Jonathan Hoit.
 Greenfield, David Smead, Esq.
 Shelburne, Lieut. Robert Wilson:
 Conway, Lieut. Robert Hamilton:
 Sunderland, Mr. Giles Hubbard:
 Northfield, Capt. Elisha Hunt.
 Brimfield, Capt. Jacob Browning.
 Monson, Capt. Abel Goodell.
 Pelham, Lieut. Joseph Packard.
 Greenwich, Nehemiah Stebbins, Esq.
 Southampton, Capt. Lemuel Pomeroy.
 Blunford, Deacon Robert Blair.
 Granville, Timothy Robinson, Esq. and
 Mr. Titus Fowler.
 New-Salem, Lieut. Ezekiel Kellogg, jun.
 Belchertown, Deacon Joseph Smith.
 Colrain, Col. Hugh Mc'Clallen.
 Ware, Mr. Daniel Gould.
 Chester, Deacon Jesse Johnson.
 Ashfield, Mr. Chilib Smith, jun.
 Worthington, Mr. Jonathan Brewster.

Shutesbury, Mr. Asaph Lyon.
 Chesterfield, Col. Benjamin Bonney.
 Southwick, Dr. Isaac Coit.
 Ludlow, Mr. John Jennings.
 Leverett, Capt. Stephen Ashley.
 Westhampton, Mr. Sylvester Judd.
 Cummington, Capt. William Ward.
 Buckland, Capt. Thompson Maxwell.

County of Plymouth.

Plymouth, Joshua Thomas, Esq;
 Mr. Thomas Davis.
 Scituate, Capt. Enoch Collamore.
 Duxborough, Mr. Zedekiah Sanger.
 Marl'sfield, Capt. Joseph Bryant.
 Bridgewater, Capt. Elisha Mitchell.
 Middleborough, Joshua White, Esq;
 Noah Fearing, Esq;
 Mr. Perez Thomas.
 Mr. Ebenezer Wood.
 Rochester, Mr. Abraham Holmes.
 Capt. Nathaniel Hammond.
 Plympton, Capt. Francis Shurtliff.
 Pembroke, Mr. Samuel Gould.
 Kingston, Capt. Ebenezer Washburn.
 Hanover, Capt. Lemuel Curtis.
 Abington, Mr. Jacob Smith, jun.
 Wareham, Capt. David Nye.

County of Barnstable,

Barnstable, Mr. Let Nye:
 Sandwich, Thomas Bourn, Esq;
 Dr. Thomas Smith.
 Yarmouth, Mr. Jonathan Howes.
 Harwich, Hon. Solomon Freeman, Esq;
 Wellfleet, Capt. Jeremiah Bickford.

County of Bristol.

Taunton, Col. Nathaniel Leonard.
 Rehoboth, Mr. Phanael Bishop.
 Mr. Frederick Drown, and
 Mr. William Winfor.
 Swanzev, Mr. Christopher Mason.
 Mr. James Luther, jun.
 Dartmouth, Mr. Giles Slocum, and
 Mr. David Willcox.
 Norton, Mr. Seth Smith, jun.
 Mansfield, Capt. John Pratt.
 Attleborough, Mr. William Stanley.
 Dighton, Col. Silvester Richmond.
 Freeton, Mr. Ambrose Barnaby, and
 Capt. Jall Hathway.
 Raynham, Mr. Josiah Dean.
 Easton, Col. Abiel Mitchell.
 Berkley, Mr. John Babbit.
 New-Bedford, Col. Seth Pope.

County of Dukes-County.

No returns.

County of Nantucket.

No returns.

County of Worcester.

Worcester, Capt. Samuel Brooks.
 Lancaster, Mr. Michael Newhall.
 Mendon, Edward Thompson, Esq;
 Brookfield, Mr. Daniel Forbes.
 Mr. Nathaniel Jenks.
 Oxford, Capt. Jeremiah Learnard.
 Charlton, Capt. Samuel Robinson, and
 Mr. Caleb Curtis.
 Sutton, Amos Singletary, Esq;
 Dr. James Freeland.
 Dea. David Harwood.
 Leicester Col. Samuel Denry.
 Spencer, Lieut. James Hathway.
 Rutland, Rufus Putnam, Esq.
 Paxton, Mr. Abraham Washburn.
 Oakham, Capt. Jonathan Bullard.
 Barre, Capt. John Black.
 Hubbardston, Mr. William Muzzy.
 New-Braintree, Mr. Benjamin Jollyn.
 Southborough, Capt. Seth Newton.
 Westborough, Capt. Stephen Maynard.
 Northborough, Capt. Isaac Davis.
 Shrewsbury, Capt. Isaac Harrington.
 Lunenburg, Capt. John Fuller.
 Fitchburgh, Dea. Daniel Putnam.
 Uxbridge, Dr. Samuel Willard.
 Harvard, Josiah Whitney, Esq;
 Dudley, Mr. Jonathan Day.
 Bolton & Berlin, Mr. Simon Houghton.
 Upton, Capt. Thomas Marshall Baker.
 Sturbridge, Mr. Joshua Harding, jun.
 Leominster, Major David Wilder.
 Hardwick, Major Martin Kingsley.
 Holden, Mr. Josiah Stratten.
 Western, Capt. Isaac Gleason.
 Douglas, Hon. John Taylor, Esq;
 Grafton, Col. Luke Drury.
 Petersham, Jonathan Grout, Esq;
 Capt. Samuel Peckham.
 Royalston, John Frye, Esq;
 Westminster, Mr. Josiah Puffer.
 Templeton, Capt. Ezekiel Knowlton.
 Princeton, Hon. Moses Gill, Esq;
 Ashburnham, Mr. Jacob Willard,
 Northbridge, Capt. Josiah Wood.
 Winchendon, Hon. Abel Wilder, Esq;
 Ward, Capt. Samuel Eddy.
 Athol, Deacon Jesse Kendall.
 Milford, Mr. David Stearns.
 Sterling, Capt. Benjamin Richardson.
 Boylston, Lieut. Jonas Temple.

County of York.

York, Capt. Elias Preble.
 Kittery, Mr. Mark Adams.
 Wells, Capt. Joseph Hubbard.
 Arundel, Thomas Perkins, Esq;
 Biddeford, Jeremiah Hill, Esq;
 Pepperrelboro' James Scammon, Esq;
 Sanford, Major Samuel Naffon.
 Buxton, Jacob Bradbury, Esq;
 Fryburgh, Mr. Moses Ames.

County of Cumberland.

Portland, Mr. John Fox.
 Falmouth, Joseph Noyes, Esq;
 North-Yarmouth, Samuel Merrill, Esq;
 Scarborough, William Thompson, Esq;
 Gorham, Hon. Josiah Thatcher, Esq;
 New-Gloucester, Mr. William Wedgery.

County of Lincoln.

Pownalborough, Mr. David Sylvester.
 New-Castle, Major John Farley.
 Boothbay, William McCobb, Esq;
 Bristol, William Jones, Esq;
 Hallowell, Dr. Daniel Cony.
 Machias, Mr. David Gardiner.

County of Berkshire.

Sheffield, John Ashley, jun. Esq;
 Great-Barrington, Major William King.
 Stockbridge, Hon. Theodore Sedgwick, Esq;
 Pittsfield, Henry Van Schaack, Esq;
 Capt. David Bush.
 Richmond, Mr. William Lusk.
 Lenox, William Walker, Esq;
 Laneborough, Col. Jonathan Smith, and
 Mr. William Starkweather.
 Williamstown, Hon. Thomp. J. Skinner, Esq;
 Adams, Capt. Reuben Hinman.
 Egremont, Capt. David Ostrom.
 Becket, Nathaniel Kingsley, Esq;
 West-Stockbridge, Col. Elijah Williams.
 Alford, Capt. William Brunson.
 New-Marlborough, Capt. Daniel Taylor.
 Tyringham, Mr. Benjamin Warren.
 Loudon, Mr. Joshua Lawton.
 Windsor, Harmon Briggs, Esq;
 Patridgefield, Mr. Henry Badger.
 Washington, Azariah Ashley, Esq;
 Sandisfield, Mr. James Ayrault.
 Lee, Capt. Josiah Yale.

(7)
FRIDAY, June 2, 1787.

The Governour and Lieutenant-Governour elect, having been previously notified of their respective elections, came into the Representatives' Chamber, where the two Branches of the General Court were convened, when his Excellency the Governour was pleased to address them as follows :

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,
A VERY respectable committee, by you appointed, have notified me that the 'citizens of this Commonwealth have elected me Governour for the year ensuing.

To promote the happiness of my native country, hath always been the great object of my pursuit, and to merit the approbation of my fellow-citizens, was ever my highest ambition—Defective as I may have been in the pursuit of the first, I should feel myself ungrateful to an high degree, did I not, upon the present occasion, acknowledge the kind partiality of my countrymen in granting me so great a share of the second.

When from a want of health, I retired from the place of Chief Magistrate of this Commonwealth, I did not expect to be again called to the important trust, but since my fellow-citizens have, without any solicitations of mine, seen fit in the present day to call upon me for my exertions, I cannot abuse that partiality which they have so often manifested towards me, by declining the office.

The suffrages of a free people, would in common times render an apology for my appearing in this place, quite unnecessary, but in the present situation of public affairs, it becomes necessary for me to declare, that I am so far from accepting the office from a dependance upon my own ability, to restore the government to its needed tranquility, that it is, Gentlemen, on your wisdom and prudence alone, I rely, for those measures which may lead us to public safety; from you the people will look for those laws and ordinances which will secure the blessings intended for them by the happy constitution of government they have established: Of me they have a right to expect that I shall exert the powers vested in me for their benefit and advantage, and it shall be my highest ambition not to disappoint them. To preserve, Gentlemen, sacredly and inviolate, our excellent Constitution of government; to relieve as much as possible the burdens of the people; and to maintain a strict adherence to private and public justice, shall be the great objects of my administration, and in the pursuit of them, I doubt not of your assistance and support, as well as those of all good men.

Having declared, Gentlemen, my acceptance of the office to which I am elected; I am now ready to comply with the qualifying requisitions of the Constitution;

J. O. H. N. H. A. N. C. O. C. K.

His Honour the Lieutenant-Governour then addressed the Legislature as follows :

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,
I HAVE been informed by a very respectable committee of both Houses, that you have been pleased to elect me to the office of Lieutenant-Governour for the year ensuing. I have a due sense of the honour you have conferred upon me in this appointment. I consider it as a mark of your esteem and confidence. It has been my constant aim, while I have had the honour of being employed in the public service, to consult, and to the utmost of my abilities to promote, the best interest of the people; and it has afforded me the highest satisfaction, that my conduct has generally met their approbation. I am obliged to you for the polite manner in which you have acquainted me with this appointment—I now declare my acceptance of it, and you may rest assured, I shall endeavour to discharge the duties of this office with faithfulness and impartiality, and am ready to take the oaths and subscribe the declarations required by the Constitution.

T H O M A S C U S H I N G.

i.

Resolve on the letter from the Honourable Major-General *Lincoln*, granting the prayer of his request. June 5, 1787.

Upon the letter of the Honourable Major-General *Lincoln*, to the Honourable Mr. *Sedgwick* :

Resolved, That it is the opinion of this Court, that the request of Major-General *Lincoln*, as contained in the said letter, may be complied with, consistent with the safety of the Commonwealth, and that the said letter be transmitted to the Governour.

M E S S A G E

II.

MESSAGE from his Excellency the Governour, by the Secretary. *June 5, 1787.*

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

THE Secretary will lay before you a letter I have just received from Col. *Badlam*, Commanding Officer of the troops stationed in the county of *Hampshire*, representing his situation, and the complexion of our public affairs in that quarter, by which it appears, that after the time for which the troops stationed there is expired, the inhabitants in, and near that county, will live very uncomfortably. You will find upon perusing this letter, that those who have been in opposition to government, have, from *Vermont* and *New-Hampshire*, repeatedly made incursions into this State, with an intention to plunder, and carry off the friends to government, and in two instances have accomplished their purpose, by taking off Doctor *Pomeroy* and Mr. *Metcalf*, both respectable characters; that the Colonel has been obliged to station a detachment of his regiment in particular towns, to guard the friends of government, and that he has had application from other towns for the like protection: I therefore submit it, Gentlemen, to your consideration, whether it will not be absolutely necessary for the support and protection of government, to continue in service the troops now stationed in the counties of *Hampshire* and *Berkshire*, for so long a time, after the term of their enlistment expires, as you may judge necessary to restore peace, tranquility and security to those counties.

JOHN HANCOCK.

COUNCIL-CHAMBER, *June 5, 1787.*

III.

MESSAGE from his Excellency the Governour by the Secretary. *June 6, 1787.*

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

I HAVE just received a letter from Mr. *Dane*, one of the Delegates in Congress, which the Secretary will deliver you, enclosing a resolve of Congress of the third of *May*, ordering all monies accruing from the requisition of 21st *October* last, or advanced by any of the States for the service of the federal troops, shall be credited to such States on the specie requisitions of 1784, 1785 or 1786, at the option of the States respectively.

Mr. *Dane*, also mentions, that Mr. *Hutchins*, one of the Commissioners appointed to run the jurisdiction line between *Massachusetts* and *New-York*, informs, that the Commissioners will be ready to attend that business by the middle of *June*. You will please to take such order on this subject, as you judge necessary.

JOHN HANCOCK.

COUNCIL-CHAMBER, *June 6, 1787.*

IV.

Resolve expressing the sense of the two Houses, that the Counsellors for the last year are Counsellors for the time being, and until a new Council shall exist. *June 6, 1787.*

Resolved, That it is the sense of the Senate, that the Counsellors for the last year, are Counsellors for the time being, for the purpose of administering the oaths to the members of the General Court, until a new Council shall be qualified and exist.

In the *House of Representatives*, *June 6, 1787.* Concurred.

V.

MESSAGE from his Excellency the Governour by the Secretary. *June 7, 1787.*

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

I HAVE this day received several letters, which the Secretary will deliver you. One from Mr. Secretary *Thomson*, inclosing an act of Congress of the 23d of *March* last, for reducing the public expenditures, and a state of the representation for that month.

One from the Board of Treasury, inclosing an ordinance of 7th of *May*, for settling the accounts between the United States and individual States; by which you will observe that the several States are limited to a period for exhibiting their respective claims against the Union: I submit to you the propriety of adopting measures for facilitating the execution of this business.

Also a letter from his Excellency Governour *Huntington*; giving information of certain persons from the county of *Berkshire*, and other places, endeavouring to raise insurrections in the northwestern parts of the State of *Connecticut*, and the happy effects of his exertions in the suppression of them.

One other letter from the Sheriff of the county of *Hampshire*, respecting a designed attack upon the goal at *Northampton*, which by the vigilance of the Militia was prevented.

JOHN HANCOCK.

COUNCIL-CHAMBER, June 7, 1787.

VI.

Resolve on the petition of *Samuel Fisk*. June 7, 1787.

On the petition of *Samuel Fisk*, praying that a letter of administration granted to him; the 10th of *March*, 1784, by the Judge of Probate for the county of *Middlesex*, on the estate of *Bradyl Smith*, may be confirmed, for reasons set forth in the said petition:

Resolved, That the letter of administration granted on the tenth day of *March* 1784, by the Honourable *Oliver Prescott*, Esq; Judge of Probate for the county of *Middlesex*, to *Samuel Fisk*, on the estate of *Bradyl Smith*, late of *Weston*, deceased, be, and it is hereby declared to be good and valid, any variation in point of form, from an act which passed on the sixth day of *February* preceeding the date of the said letter, notwithstanding.

And it is further *Resolved*, That the doings of the said *Samuel Fisk*, as administrator on the fore-said estate, wherein he has proceeded according to law, be, and hereby are established and confirmed, any defect which may have been in his letter of administration aforesaid notwithstanding.

VII.

Resolve on the petition of *George Hall*, allowing him pay for his services as a mate in the Hospital department for the Militia. June 7, 1787.

On the petition of *George Hall*, praying compensation for his services as a mate in the Hospital department for the Militia, he having been omitted in the roll of that department:

Resolved, That the said *George Hall*, be made up from the eighth of *January* 1787, to the ninth of *February* following, being the time he served, agreeably to the establishment.

VIII.

Resolve appointing *James Deane*, a superintendant to superintend and approve a purchase to be made of the natives by *Samuel Brown*, Esq; and his associates, &c. June 8, 1787.

Resolved, That Mr. *James Deane* be, and he hereby is appointed a superintendant to superintend, and if he see cause, approve a purchase to be made of the natives by *Samuel Brown*, Esq; and his associates, or such person or persons as have been or may be by them appointed, of a tract of land in the western country, laying between the rivers *Chenango* and *Owego*, equal to ten Townships of six miles square.

IX.

Resolve on the petition of the Soldiers composing the garrison at *Castle-Island*, directing the Treasurer to discharge any warrants drawn, out of the specie part of the tax granted in *March* 1786. June 11, 1787.

On the petition of the Soldiers composing the garrison at *Castle-Island*:

Resolved, That the prayer of the petition be so far granted, that the Treasurer be, and he is hereby directed, to discharge any warrants that are or may be drawn on him for the pay of the said garrison, out of the specie part of the tax granted for the use of government in *March* 1786, provided the same shall not amount to more than six months pay for the said garrison.

X.

Resolve empowering the Adjutant General to procure blank warrants for Serjeants. June 11, 1787.

Whereas by the law for regulating and governing the Militia within this Commonwealth it is provided, that each Serjeant shall receive a warrant from his Colonel; and it

being necessary that the several Colonels of Militia should be furnished with blanks for the said purpose :

Resolved, That the Adjutant-General be, and he is hereby impowered, to procure blank warrants sufficient to furnish each Serjeant with one, agreeably to the Militia law ; and lay his account before the General Court for allowance and payment.

XI.

Resolve on the petition of *John Chalonier*, granting him *three pounds* per month, until further order. *June 11, 1787.*

Upon the petition of *John Chalonier*, setting forth, that being called for as one of the Militia, to defend the federal arsenal at *Springfield*, under the command of General *Shepard*, on the eighteenth of *January* last, he had the direction of a cannon, which upon the approach of *Shays*, and his party, to attack said post, was by accident discharged, whereby the said *Chalonier* lost both his arms, so as to render him utterly incapable of ever assisting himself in future, or doing any thing for his support, and praying such an allowance for his future subsistence as his circumstances require :

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the said *John Chalonier*, *three pounds*, per month, quarterly, till the further order of the General Court, the first quarterly payment to be considered as due the first day of *June* current, and the amount thereof to be charged to the United States.

XII.

Resolve on the petition of *Solomon Freeman*, in behalf of the town of *Harwich*, directing the Treasurer to credit said town with a certain sum. *June 11, 1787.*

On the petition of *Solomon Freeman*, in behalf of the town of *Harwich*, praying that a fine set on said town in the year 1783, for not sending a Representative, may be abated, for seasons set forth in said petition :

Resolved, That the prayer of the petition be granted, and that the Treasurer of this Commonwealth be, and he is hereby directed, to credit the said town of *Harwich*, the sum of *forty-four pounds eight shillings and four pence*, laid on the said town as aforesaid.

XIII.

Resolve on the petition of *William Ward*, in behalf of the town of *Cumington*. *June 11, 1787.*

On the petition of *William Ward*, in behalf of the town of *Cumington*, praying for a committee to settle the east line of said town :

Resolved, That *Noah Goodman*, Esq; *Mr. William Bodman* and *Mr. Jonathan Brewster*, be a committee to repair to the town of *Cumington*, to ascertain the east line thereof at the expence of the said town, and make report at the next session of the General Court after the said business shall be completed.

XIV.

Resolve on the petition of *Moses Cutler*, and eleven others, inhabitants of the town of *Holliston*, releasing them from paying any ministerial taxes, &c. *June 11, 1787.*

On the petition of *Moses Cutler* and eleven others, inhabitants of the town of *Holliston*, praying to be released from paying ministerial charges, and from paying any charges of building and repairing meeting houses ; and by the votes of the said town, accompanying the petition, it appears they have agreed thereto.

Resolved, That *Moses Cutler*, *Asa Leland*, *Simeon Littlefield*, *Enoch Chamberlain*, *Reuben Fairbanks*, *Abner Leland*, *Nabum Clark*, *Ebenezer Cutler*, *John Claxlin*, *Asa Rider*, *Jason Chamberlain* and *William Chamberlain*, with each of their polls and estates, be, and hereby are released from paying any ministerial charges, and from paying any charges of building or repairing of meeting-houses, in the said town, in future, and notwithstanding such relate, all rates and assessments on the remaining inhabitants, for the purpose aforesaid (provided they are otherwise according to law) shall be good and valid to all intents and purposes, any law or resolve to the contrary notwithstanding.

XV.

Resolve on the petition of the Hon. *Francis Dana*, Esq; granting him liberty of absence. *June 12, 1787.*

On the petition of the Hon. *Francis Dana*, Esq; one of the Justices of the Supreme Judicial Court, praying for leave of absence from the Commonwealth, for the purpose of recovering his health.

Resolved, That the said *Francis Dana*, Esq; have liberty to be absent from the Commonwealth until such time as he shall have recovered his health, as to be able to discharge the duties of his important office.

XVI.

Resolve requesting the Governour to direct the Commanding Officer stationed in the counties of *Hampshire* and *Berkshire*, to furnish guards to the Commissioners to settle the boundary line between this State and *New-York*. June 15, 1787.

Resolved, That his Excellency the Commander in chief, be requested to direct the Commanding Officer of the troops stationed in the counties of *Hampshire* and *Berkshire*, to furnish such guards from time to time, as the Commissioners for running the line of jurisdiction between this State and the State of *New-York*, on the easterly part of the said State of *New-York*, may require.

XVII.

Resolve instructing the committee for methodizing accounts, to prepare the accounts of monies advanced to the federal troops, and forward them to the Delegates of this State in Congress. June 15, 1787.

Resolved, That the committee for stating and methodizing the public accounts, be instructed to prepare the accounts of monies advanced towards raising the federal troops, and forward them without delay to the Delegates of this State in Congress, who are instructed to procure the same to be passed to the credit of this State, towards our quota of the specie requisition for the year 1785.

XVIII.

Resolve on the petition of a committee of the first parish in *Cambridge*. June 15, 1787.

On the petition of a committee of the first parish in *Cambridge*, praying that the inhabitants of that parish, living between *Charles* and *Menotomy Rivers*, and within the town of *Cambridge*, which limits comprehend the first company of Militia in that town, may be authorized to raise by tax the sum of *forty pounds*, by assessors chosen from among themselves, for the purpose of equalizing the expence of raising and equipping the men, sent from that company in pursuance of the order of his Excellency the Governour, during the last winter, for the purpose of restoring tranquility to the three western counties of this Commonwealth; also that the same inhabitants may be authorized to raise in like manner, the further sum of *fifty-three pounds*; for the purpose of discharging the arrears of the expence incurred by raising and equipping men from the said company of Militia for the Continental army, during the late war:

Resolved; That the inhabitants of the before described part of the first parish in *Cambridge* aforesaid, who are qualified to vote in town affairs, be, and they hereby are authorized to raise by tax on the polls and estates within the said limits, the sum of *ninety-three pounds*, to be assessed by assessors to be chosen from among themselves, and when the list shall be finished and authenticated by the said assessors, they are authorized to deliver the same to the Collector of taxes for the said parish, who is hereby required to collect the same, and to pay his collections to the parish Treasurer, to be disposed of according to the order of the said inhabitants, or a committee to be by them appointed: and all officers concerned in assessing, levying, and disposing of this tax, shall have the same authority, right, power and jurisdiction, as similar officers have, with regard to any parish tax by any law now in being:

XIX.

Report of committee respecting the dividing the county of *Lincoln*, into three districts, &c. And order directing the Secretary to transmit a copy to each town and plantation in said county, that they may shew cause, &c. June 15, 1787.

The Committee of both Houses, on the Governour's message of the 4th inst. accompanied with a report of the Commissioners appointed the 6th July last, to treat with the *Peiobscot* tribe of Indians, and for certain other matters respecting the county of *Lincoln*, beg leave further to report. That

That in the opinion of your committee, it will be expedient that the present county of *Lincoln*, be hereafter formed into three distinct counties, and that the dividing lines of the said counties be now established, as the establishment of those lines would much facilitate the laying out of townships, so as to prevent many inconveniences in future that might otherwise arise; and until those counties be incorporated, that the present county of *Lincoln*, remain in all other respects as at present. And that the dividing lines of the intended counties be as follows, *viz.* The first county to be bounded on the one side by the county of *Cumberland*, and the dividing line between the said first county and the second, to begin on the *Atlantic Ocean*, at the west bounds of the town of *Thomaston*, thence running northerly by the west line of said town, to the southeasterly corner of the town of *Warren*, to the town of *Union*, then by the east line of the last mentioned town, to the north-east corner of the same, then north seven degrees east, to the north line of *Waldo's Patent*, (so called,) then north to the high lands; the dividing line between the second or middle county, and the third, to begin on the *Atlantic Ocean*, and extend northerly with the western bounds of *Goldsbrough*, to township number two, thence with the south line of that township, to the eastern bounds thereof, then with the said eastern bounds as far as the town extends, then on the same course north to the high lands; the third or eastward county to comprehend all the lands within this Commonwealth, to the eastward of the line last described; and that the shire towns of the said counties, when incorporated agreeable to the above division, be as follows, *viz.* The shire town of the first county to be at *Pownalborough*, the shire town of the second or middle county, to be at number three on *Penobscot-River*, and the shire town of the eastern county, to be at *Machias*.

Your committee are further of opinion, that it will be expedient, that a road should be opened from *Penobscot-River*, to the Bay of *Passamaquady*, near the mouth of *Schooduck*, agreeable to the report of the Commissioners aforementioned, and that provision be made for that purpose, at the next sitting of the General Court. It appears by the report of the said Commissioners, that some of the plantations in the said county of *Lincoln*, complain that by reason of the laws not being forwarded to them, they are ignorant of the mode of assessing the late tax; to remove this and prevent a similar complaint in future, your committee apprehend that it is necessary that the Treasurer be directed to furnish such deficient plantations in this Commonwealth, with the laws and resolves that shall from time to time be passed.

Your committee having considered the several matters contained in his Excellency's message, with the papers accompanying it, except what relates to certain irregular marriages mentioned by the said Commissioners; it is their opinion that this be referred to future consideration, and ask leave to be discharged.

C O T T O N T U F F S, per Order.

Read and accepted, and

Ordered, That the Secretary transmit to the several towns and plantations in the county of *Lincoln*, a copy of such part of the report accompanying, as respects a division of that county, that they may appear on the second Wednesday in *November* next, if the General Court shall be then sitting, otherwise on the second Wednesday of the next session of the same Court after the second Wednesday of *November*, to shew cause, if any they have, why the county of *Lincoln* shall not be divided into three separate counties, in the manner proposed.

XX.

Resolve on the petition of *Hezekiah Smith*. June 15, 1787.

Upon the petition of *Hezekiah Smith*, praying that he may receive compensation, on account of his being ejected from a certain estate which was conveyed to him by the committee for the sale of absentees estates for the county of *Essex*; for reasons set forth in his petition,

Resolved, That the Attorney-General be, and he is hereby authorized, and directed, to agree with the said *Hezekiah Smith*, on three good and disinterested men, to determine what damages the said *Hezekiah Smith* is intitled to receive, by means of his being ejected from an estate, which was confiscated, as belonging to one *John Gould*, and sold to the said *Hezekiah Smith* by the committee aforesaid, but which judgment of confiscation was afterwards reversed by the Supreme Judicial Court. The men appointed as aforesaid, to hear the parties, their several pleas and allegations, and make report to his Excellency the Governour and the Honourable the Council, of the full sum which the said

said *Hezekiah Smith* ought to receive for his being ejected as aforesaid—And his Excellency the Governor is hereby empowered and requested, by and with the advice and consent of Council, to issue his warrant on the Treasurer in favour of the said *Hezekiah Smith*, for the sum which shall be reported as aforesaid, and the same shall be in full satisfaction for any damages the said *Smith* may have received on account of the premises aforesaid.

XXI.

Resolve for raising from the troops in service in the western counties, 500 men, and not more than 800, for the protection of said counties, and also pardoning and indemnifying a certain description of citizens, excepting nine. *June 13, 1787.*

Whereas it appears to this Court, that a considerable number of persons concerned in the rebellion and now lurking in the neighbouring States, do frequently enter into parts of the western counties, and commit robberies, burning of buildings, and other outrages, and threaten the peaceable and well-affected; whereby it has become absolutely necessary for their protection and security, that a force should be raised and kept in service, so long as the present circumstances shall continue. Therefore

Resolved, That his Excellency the Governour be, and he hereby is requested, to raise by detachment from the militia, or by voluntary enlistment from the troops now in actual service (if practicable,) and if not, from the citizens at large, a body of troops not less than five hundred men, nor more than eight hundred men, rank and file, as the public exigency, in his Excellency's opinion, shall require; to be formed into one regiment, and properly officered, to be stationed in the counties of *Hampshire* and *Berkshire*, and in such places in those counties, as the Commanding-Officer, under the direction of his Excellency, shall determine, and to be continued in service for six months, unless sooner discharged, in whole or in part, by the Governour, with the advice and consent of Council.

And whereas it is the intention of this Court, not only to adopt every vigorous and efficacious method necessary to suppress the present traitorous opposition to the laws, and to restore peace and harmony to the Commonwealth, but also to repeat the offers of grace and mercy to the penitent citizen, and to extend the same as far as may be consistent with the true interest of this Commonwealth, and the security of her citizens in future:

Therefore it is further *Resolved*, That each and every citizen of this Commonwealth, who have committed any treasons, or misprisions of treason, against the Commonwealth, since the first day of *June, A. D. 1786*, be, and they are hereby pardoned and indemnified for the same, and for all felonies which have been perpetrated since the time aforesaid, by any of the said citizens, in the commissions of such treasons, and which are overt acts of the same; And each and every of the citizens aforesaid, are hereby discharged of all the pains, penalties, disqualifications and disabilities of the law in such cases provided: And any of the citizens aforesaid, may upon trial for any of the said offences, give this resolution in evidence upon the general issue, which shall have the same operation, as if specially pleaded, except as herein after provided.

And it is further *Resolved*, That all and every of the citizens aforesaid, be, and they hereby are restored to all the rights and privileges of citizens, to all intents and purposes whatever; any act or acts, resolution or resolutions, of the General Court, heretofore passed to the contrary notwithstanding, which acts and resolutions, so far as they affect the rights and privileges aforesaid, are hereby repealed and made void.

And it is further *Resolved*, That any of the citizens aforesaid, who have heretofore delivered up their arms, upon receiving a pardon or indemnity, or a promise of a pardon or indemnity, by force, or in pursuance of any act of resolution of the General Court of this Commonwealth, or who have had their arms taken from them, by any person or persons acting under the authority of this government, shall be intitled to receive the said arms upon application to the officer under whose care the same are deposited, and such officer is hereby directed to deliver the same accordingly.

Provided nevertheless, That nothing in these resolutions shall extend to, or in any manner avail *Daniel Shays*, of Pelham, in the county of *Hampshire*, Gentleman, *Luke Day*, of *West-Springfield*, in the same county, Gentleman, Lieutenant-Colonel *William Smith*, of the same county, *Eli Parsons*, of *Adams*, in the county of *Berkshire*, Gentleman, *Perez Hamlin*, of *Lenox*, in the same county, Yeoman, *Elisha Manning*, of a place called the *Eleven Thousand Acres*, in the same county, Yeoman, *David Dunham*, of *Sheffield*, in the same county

county, Yeoman, *Ebenezer Crittenden*, of *Sandisfield*, in the same county, Yeoman, and *Jacob Fox*, of *Washington*, in the same county, Gentleman; but they and each of them shall be liable to be tried, convicted and punished for any of the offences aforesaid, in the same manner as if these resolutions had not been made.—And

Provided further, That nothing in these resolutions shall extend to, or in any manner avail any of the citizens aforesaid, who not having taken and subscribed the oath of allegiance to this Commonwealth, since the first day of *June*, A. D. 1786, shall not take and subscribe the said oath before any Justice of the Peace within the Commonwealth, on or before the twelfth day of *September* next: And a certificate of such oath shall be transmitted by the Justice, before whom the same shall be taken and subscribed, to the Secretary, to be deposited in his office.

And it is further *Resolved*, That nothing in these resolutions shall extend, or be construed to extend to any person or persons whatever, who stand convicted of any of the offences aforesaid, by due course of law, but the power of pardoning the same, remain subject to the discretion of the Governour, with the advice and consent of Council, agreeably to the Constitution of this Commonwealth.

And it is further *Resolved*, That nothing in these resolutions shall extend, or be construed to extend to bar any civil action already commenced or which may be hereafter commenced for the recovery of damages occasioned by the commission of any of the offences aforesaid, but such action may be commenced or prosecuted to final judgement and execution, in the same manner as if these resolutions had not been passed.

XXII.

Resolve requesting the Governour to issue his proclamation, publishing indemnity and pardon agreeably to the resolution of the 13th instant. *June 15, 1787.*

Resolved, That his Excellency the Governour, be requested to issue his Proclamation publishing indemnity and pardon, agreeably to the resolution of the General Court, of the 13th instant, and give the necessary directions relative thereto.

XXIII.

Resolve on the petition of the town of *Dunstable*. *June 16, 1787.*

Whereas the first and second parishes in the town of *Dunstable*, have petitioned this Court, that a resolve that passed the General Court in the year 1755, incorporating the second parish in the said town, may be repealed; and it appearing to this Court reasonable, that the prayer of the said petition should be granted: Therefore,

Resolved, That the resolve that passed the General Court, in the year 1755, for incorporating the second parish in the town of *Dunstable*, be, and it hereby is repealed: *Provided notwithstanding*,

And be it further *Resolved*, That each of the aforesaid parishes shall be, and they are hereby authorized, in their seperate capacities respectively, to collect all debts, which may be now due to them, and shall be held to pay all just demands against them severally, in the same manner, as though this resolve had never passed.

XXIV.

Resolve on the petition of *Joseph Aaron*, an Indian. *June 16, 1787.*

On the petition of *Joseph Aaron*, an Indian man, praying for liberty to sell eight acres of land, for reasons set forth in the said petition:

Resolved, That the guardians for the said *Joseph*, be, and they hereby are impowered, to sell the aforesaid land, by public vendue or private sale, as they shall think best, and execute a good deed or deeds, to the purchaser or purchasers of the aforesaid land; the money arising by the said sale, to be appropriated to the use of the said *Joseph*, at the discretion of the said guardians, they being accountable for the same.

XXV.

Resolve on the Governour's message, directing the committee for methodizing accounts, to prepare with all speed, the accounts against the United States, in order to be laid before the commissioner appointed by Congress. *June 18, 1787.*

Whereas

Whereas Congress, by their ordinance of *May 7, 1787*, ordained, that the several States, be, and they are therein limited to the space of six months, for exhibiting to the proper commissioner, their claims against the United States, of whatever nature the same may be; and whereas a commissioner for this district may soon be expected to settle the accounts of this State against the United States,

Therefore, *Resolved*, That the committee for stating and methodizing the public accounts of this Commonwealth, be directed to prepare, as soon as possible, the accounts against the United States, in order to be laid before the commissioner appointed by Congress, to liquidate and settle the same.

XXVI.

Resolve empowering the Commissary and Quarter-Master-General to pass upon such accounts of supplies, as may be exhibited by the Selectmen of the several towns. *June 18, 1787.*

Whereas the Selectmen of several towns in this Commonwealth, have supplied many specific articles, to the troops which have been raised for the service of the government, in the Quarter-Master-General, and Commissary-General's department; and the circumstances attending the business, have been such, that official vouchers could not in all cases be obtained: Therefore,

Resolved, That the Commissary-General, and the Quarter-Master-General, be, and they are hereby respectively empowered, to pass all such accounts as may be exhibited by Selectmen for supplies furnished to the troops in the service of the government, on proper application therefor, as shall appear to them to be just and reasonable, the said accounts not being accompanied with official vouchers notwithstanding. Provided the Commissary-General and Quarter-Master-General, respectively, have satisfactory evidence of the truth of such accounts:

XXVII.

Resolve on the petition of *Joseph McLellan*, empowering him to sell the estate mentioned. *June 18, 1787.*

On the petition of *Joseph McLellan*, praying that certain real estate in the county of *Cumberland*, may be sold; for reasons set forth in the said petition,

Resolved, That *Joseph McLellan*, agent on the estate of *John Martin*, late of *Falmouth*, in the county of *Cumberland*, an absentee, be, and he is hereby empowered, to sell the whole of the real estate, belonging to the said *Martin*, which was adjudged to escheat to the Commonwealth, at a Court of Common Pleas holden at *Falmouth*, on the last Tuesday of *October*, in the year of our Lord one thousand seven hundred and eighty-two, for the most the same will fetch, and to make a good deed or deeds of sale and conveyance of the same, he observing the rules and directions of the law, for the sale of real estates by executors and administrators, and giving bonds to the Judge of Probate, for the county of *Cumberland*, that the proceeds of the said sales shall be disposed of, according to law, so far as to satisfy the claims against the said estate; and account with the said Judge for the balance.

XXVIII.

Resolve on the petition of *Silvanus Hemingway*, granting the prayer of said petition, and authorizing the Judge of Probate, for *Middlesex*, to cause Commissioners on the estate of *Ebenezer Hemingway*, to set again for the purpose mentioned. *June 18, 1787.*

On the petition of *Silvanus Hemingway*, praying that the Judge of Probate for the county of *Middlesex*, may be empowered to direct the Commissioners on the estate of *Ebenezer Hemingway*, late of *Framingham*, deceased, to set again, to receive and examine the petitioner's claims to the said *Ebenezer's* estate,

Resolved, That the prayer of the said petition be granted, and that the Judge of Probate for the county of *Middlesex*, be, and hereby is fully authorized, to cause the commissioners, on the estate of *Ebenezer Hemingway* to set again, for the purpose of receiving and examining the claims of the petitioner against the estate of the aforesaid deceased, notwithstanding the time allowed to the said commissioners for receiving the claims of the creditors to the said *Ebenezer's* estate, is expired: Provided the petitioner shall pay all cost, that shall arise in consequence of this resolve, if there shall not be found sufficient estate of the deceased therefor, after the claims already allowed by the said commissioners are satisfied;

Resolve

XXIX.

Resolve on the petition of *John Walker*, and *Lucretia* his wife, late *Lucretia Colt*, authorizing the Judge of Probate for the county of *Hampshire* in this case. June 18, 1787.

On the petition of *John Walker*, and *Lucretia* his wife, late *Lucretia Colt*, executrix of the last will and testament of *Benjamin Colt*, late of *Hadley*, deceased, and by the said will appointed guardian of *Daniel Colt*, son of the said *Benjamin*, now a minor, under the age of twenty-one years; praying, for reasons set forth in said petition, that partition may be made of the said *Benjamin's* estate, so far that the share or portion thereof, to which the said *Daniel* is entitled, either by law, or by the will aforesaid, may be set off to him, and holden in severalty; and that the said *John Walker*, and *Lucretia*, may be empowered to make sale of the said *Daniel's* share of the real and personal estate aforesaid, to discharge the debts incurred for his support and education,

Resolved, That the Judge of Probate for the county of *Hampshire*, be, and he hereby is authorized and empowered to order that the said *Daniel Colt's* share, in the estate of *Benjamin Colt* aforesaid, be set off in severalty, and that *John Walker*, and *Lucretia*, his wife, be, and they are hereby authorized and empowered to sell and dispose of the said *Daniel Colt's* share, and to make, and execute a good and lawful deed, or deeds, of the real estate which may be set off to him as aforesaid, they observing the directions of the law, in such cases made and provided, and giving bond to the said Judge of Probate, that the proceeds thereof be appropriated to the discharge of the debts already contracted, which may be allowed, and approved of, by the said Judge of Probate, for the support and education of the said *Daniel*, any law or usage to the contrary notwithstanding.

XXX.

Resolve making valid the doings of all officers of the several towns within this Commonwealth, as shall be conformable to the duties of their respective offices; provided those officers take the oaths prescribed by the Constitution. June 18, 1787.

Whereas the Selectmen and other town-officers, of several towns in this Commonwealth, have entered on the business of their respective offices, having taken, but not subscribed the declaration and other oaths prescribed by a resolution of the General Court, of the tenth of *March* last past: And whereas doubts have arisen respecting the validity of the doings of such officers:

Therefore *Resolved*, That the doings of all such officers, so far forth as they have been or shall be conformable to the duties of their respective offices be, and they are hereby established as legal and valid, the deficiency aforesaid notwithstanding. *Provided*, those officers shall subscribe the declaration and oaths, prescribed by the resolution aforesaid, on or before the 31st day of *July* next.

XXXI.

Resolve granting a tax of £.650 to be laid on the polls and estates within the county of *Hampshire*. June 18, 1787.

Whereas it appears from an estimate of the Justices of the Court of General Sessions of the Peace for the county of *Hampshire*, that the sum of six hundred and fifty pounds, will be necessary for defraying the charges of the said county, for one year next ensuing the third Tuesday of *May* last.

And whereas the disturbances and commotions that have taken place within the said county the year past, have been such, that it is impossible at present, for the Treasurer of the said county, to render his account for the last year's tax, according to a law in such cases made and provided:

Resolved, That there be, and there hereby is granted, a tax of six hundred and fifty pounds, to be apportioned and assessed on the polls and estates within the said county, and collected, paid and applied for the use of the county aforesaid, agreeably to the laws of this Commonwealth; any law to the contrary notwithstanding.

XXXII.

Resolve on the petition of *Isaac Tobey*, in behalf of the town of *Barre*, and *William Tucker*, in behalf of the town of *Sherburne*, directing the Treasurer to receive securities for not sending Representatives, in 1782 and 1786. June 18, 1787. On

On the petition of *Isaac Tobey*, in behalf of the town of *Barre*, and *William Tucker*, in behalf of the town of *Sherburne* :

Resolved, That the Treasurer be, and he is hereby directed, to receive of the town of *Barre*, the sum of *forty pounds*, in consolidated securities of this Commonwealth, in full discharge of a fine for not sending a Representative to the General Court, in 1782 ; and the sum of *twelve pounds ten shillings*, in the said securities, of the town of *Sherburne*, in full discharge of a fine of that sum, for not sending a Representative the last year.

XXXIII.

MESSAGE from his Excellency the Governour by the Secretary. *June 19, 1787.*

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

BY your resolution of the 13th inst. you have extended the clemency of government to all the unhappy and deluded people, who have been concerned in the late insurrections, excepting nine of the principal leaders. This act of benignity and mercy, I conceive cannot fail to induce those unhappy men, to return to the open arms of their country, and again to enjoy the blessings of a free government : But should their delusion and insatiation be still continued ; shall the honest and loyal part of the community be burthened with taxes for supporting a force to defend the State against a few citizens, who depart from the original compact, and refuse to be governed by a majority of the Representatives, annually elected by the people ? Surely no man who loves the peace and tranquillity of government, will suppose that the whole force of the Commonwealth, if necessary, should not be exerted to reduce such of them as shall hereafter continue unreclaimed !

But you are sensible, Gentlemen, that by the Constitution, it is out of my power, as Governour, to transport any of the inhabitants of the Commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent or the consent of the General Court ; and therefore, should a very small force be continued to annoy the State, without the limits of the same, I cannot march the forces you have ordered to oppose them, unless you make provision for the same.

Besides this, should a number of men, who have relinquished their connection with all government, be suffered to collect on the borders of this State, their accumulation of force, from thieves, debtors and other fugitives, would very soon render them troublesome, if not formidable to other States, as well as this.

You will also please to consider the difficulty of marching troops into another sovereign State, without the consent of the government thereof, and that this may render it necessary to treat with some of the other States on that subject.

As the effect of your act of indemnity, cannot be soon fully known ; and as the citizens of the State may be endangered by new hostilities, before the next meeting of the General Court, I think it my duty to suggest these ideas, that you may pay them such attention as you may think they deserve.

The object of my measures shall be, to restore peace and good order to the Commonwealth, and I cannot doubt of your countenance and support in every measure which you may think is pointed to that great and desirable end.

J O H N H A N C O C K .

COUNCIL-CHAMBER, *June 19, 1787.*

XXXIV.

Resolve on the petition of *Daniel Warner*, and *Nathaniel Warner*, empowering the Judge of Probate for *Essex*, to receive the report of the committee mentioned. *June 19, 1787.*

On the petition of *Daniel Warner*, and *Nathaniel Warner*, both of *Gloucester*, in the county of *Essex*, *Samuel Holtz*, Esq; and *Mary* his wife, *Susanna Warner*, of said *Gloucester*; *Abigail Collins*, *Susanna Warner* of *Boston*, a minor, only child of *Elias Etwell Warner*, by *Nathaniel Warner*, her guardian, *Ezekiel Warner* of said *Gloucester*, *William Warner* of said *Gloucester*, a minor by said *Daniel Warner*, his guardian, *William Parker* of *Newbury-Port*, in said county of *Essex*, and *Mary* his wife, *Custavus Norwood* of *Gloucester* aforesaid, and *Abigail* his wife, *Ezra Day* of said *Gloucester* and *Susanna* his wife, and *Philemon Warner* of the said *Newbury-Port*, a minor, by *Ezekiel Warner* his friend, praying that a partition of the estates of *Philemon Warner* and *Mary Warner*, the widow of the said *Philemon Warner* of *Gloucester*, in the county of *Essex*, deceased, may be confirmed, for reasons set forth in the said petition.

E

Resolved,

Resolved, That the prayer thereof be so far granted, that the Judge of Probate for the county of *Essex*, be, and he is hereby empowered to receive the report of the committee appointed to make partition of the said estates, if it shall appear to him that the heirs interested in the said estates are satisfied with the said partition, and to consent in the same, any law of this Commonwealth to the contrary notwithstanding.

XXXV.

Resolve on the petition of *Amasa Davis*, Esq; Quarter-Master-General, establishing pay for quartering the troops, and horse keeping, while the troops are in service. June 19, 1787.

Upon the representation of *Amasa Davis*, Esq; Quarter-Master-General :

Resolved, That from and after the first day of *May* last, until the first day of *October* ensuing, the allowance for quarters and fuel for the troops, be at the rate of one penny, half-penny per day, and that from and after the first day of *June* instant, to the 15th day of *October* following, the allowance for horse-keeping, be at the rate of four pence per day, for any number of days less than a week, and at the rate of one shilling and six pence, per week ; any resolve to the contrary notwithstanding.

Provided nevertheless, That in case the troops shall be continued in service after the said fifteenth day of *October*, the same rates of charge be observed as was provided by the resolve of the General Court, passed the first day of *May* last.

XXXVI.

Resolve on the petition of *James Wicker*. June 19, 1787.

On the petition of *James Wicker*, praying that he may be licenced as an innholder in the town of *Paxton*, for reasons set forth in said petition.

Resolved, That the prayer of the petition be granted, and that two Justices of the Peace within and for the county of *Worcester*, quorum unus, be, and they are hereby authorized and empowered to grant him the said *James Wicker*, a licence as an innholder in the town of *Paxton*, in the said county of *Worcester*, until the next licence term, he complying with the requisitions by law in that case made and provided.

XXXVII.

Resolve on the petition of *Benjamin Adams*, authorizing him to enter his appeal at the Supreme Court of Probate at *Salem*, and empowering the Supreme Court to take cognizance of the said cause. June 19, 1787.

Resolved, That *Benjamin Adams*, of *Roxley*, in the county of *Essex*, administrator on the estate of *Samuel Adams*, late of *Abington*, in the county of *Plymouth*, deceased, be, and hereby is authorized and empowered to enter his appeal, at the Supreme Court of Probate to be holden at *Salem*, within and for the county of *Essex*, on the first Tuesday in *November* next, from a decree of the Judge of Probate, for the county of *Plymouth*, on the administration account of the said *Benjamin Adams*, made the fifth day of *September*, A. D. 1785 : And the said Supreme Court of Probate is hereby authorized and empowered to take cognizance of the said cause in the same manner as if the same was regularly pending before the said Court, and the said *Benjamin Adams*, is hereby directed to notify the adverse party of this resolve, thirty days at least before the sitting of the said Court.

XXXVIII.

Resolve on the petition of *David Fish*, to notify the adverse party to shew cause. June 19, 1787.

On the petition of *David Fish*, praying for a rehearing in the action of *Jesse Eames* against the said *Fish*, who was defaulted,

Resolved, For reasons set forth in the said petition, that *David Fish*, notify the said *Jesse Eames*, by serving him with an attested copy of his petition, and this order thereon, thirty days preceeding the second Wednesday of the next session of the General Court, to shew cause if any he hath, why the prayer of the said petition should not be granted, and that execution be stayed in the mean time.

Resolve

XXXIX.

Resolve on the petition of *Benjamin Bonney*, in behalf of the town of *Chesterfield*, and *Benjamin Burges*, and others, in behalf of *Gosben*, directing the Treasurer to credit *Chesterfield*, with 110 lb. of beef, and to call on *Gosben* for fifty pounds fifteen shillings and four pence, due on account of beef requisitions. June 19, 1787.

On the petition of *Benjamin Bonney*, agent for the town of *Chesterfield*, and *Benjamin Burges*, *Thomas Brown* and *Christopher Banister*, Selectmen of the town of *Gosben*, representing that an execution hath been issued by the late Treasurer of this Commonwealth, against the said town of *Chesterfield*, for their deficiency in payment of the several requisitions of beef laid upon the town of *Chesterfield*, before the town of *Gosben* was set off therefrom, which execution they conceive to be for a much larger sum than is actually due from the said town, and they further represent, that by mutual consent of the parties, the town of *Gosben* shall be charged with any deficiency that shall appear,

Therefore, Resolved, That the Treasurer of this Commonwealth, be, and he hereby is directed, to credit the town of *Chesterfield* for eleven hundred and one pounds of beef, which appears to have been omitted through mistake, and also discharge the said town of *Chesterfield*, from the said execution, and the Treasurer is hereby further directed to call upon the town of *Gosben*, for fifty pounds fifteen shillings and four pence, which sum appears now to be due on the several requisitions of beef that were laid on the town of *Chesterfield*.

XL.

Resolve on the petition of *Joseph Lovering*, directing the Treasurer to give certain government securities in lieu of them lost, giving bond. June 19, 1787.

On the petition of *Joseph Lovering*, praying for the renewal of certain government securities lost in the late fire in *Boston*,

Resolved, That the Treasurer of this Commonwealth, be, and he is hereby directed, to give to the said *Joseph Lovering*, two notes, viz. number 18,617 dated June 1, 1783, for one hundred and eleven pounds five shillings, and number 18,618 of the same date, for one hundred and four pounds, eleven shillings, and endorse on said notes, the interest that has been paid on the original notes, the said *Lovering* giving bond to the Treasurer, to indemnify the Commonwealth against any demands that may be made for the payment of the original notes, should they be produced.

XLI.

Resolve on the petition of *Ann Scott*, directing the Treasurer to give her a note in lieu of one lost in the late fire. June 20, 1787.

On the petition of *Ann Scott*, praying for the renewal of a State note, lost in the late fire in *Boston*,

Resolved, That the Treasurer be, and he is hereby directed, to give the said *Ann Scott*, a note for twenty two pounds, dated March 1, 1782, and endorse thereon, the interest paid on the note which has been destroyed, the said *Ann Scott* giving bond to the Treasurer; to indemnify the Commonwealth against any demand that may be made for the original note, should it be produced.

LXII.

MESSAGE from his Excellency the Governour by the Secretary. June 21, 1787.

Gentlemen of the Senate, and Gentlemen of the House of Representatives.

AS it has always given me the highest pleasure to meet the wishes of the people; and as the Governour's salary has been among those objects which engaged the attention of the last Court, and has already attracted the notice of the present,—to prevent a decision on a subject, the constitutionality of which must, in its nature, be attended with some uncertainty; you will permit me gentlemen, to make a voluntary offer of three hundred pounds to the community, to be deducted from my salary for the present year.—I shall, with pleasure, confine myself to the remaining sum, which the last assembly determined to be sufficient to sustain the importance of that station to which I have had the honour of being appointed. And when we may rationally presume that the future

future situation of our affairs will be less perplexed than the present, I hope, that it will not be considered as a precedent to affect any successor in office, nor that I have any view, but that of contributing, as far as in me lies, to relieve the burthens of the people.

JOHN HANCOCK.

COUNCIL-CHAMBER, June 21, 1787.

XLIII.

Resolve directing the Treasurer, to discharge a warrant out of the specie part of tax No. 5, drawn in favour of the Commissioners, *Timothy Edwards, Esq;* and others.

June 21, 1787.

Resolved, That the Treasurer be, and he is hereby directed, to discharge the warrant drawn by the Governour, with advice of Council, in favor of the Honourable *Timothy Edwards, Esq;* and others, bearing date the 20th instant, and being for the sum of *one hundred and fifty pounds*, out of the specie part of the tax No. 5, appropriated to the use of government.

XLIV.

Resolve directing the Treasurer to borrow *three thousand pounds* for the troops in the western counties, ordered to be raised. June 21, 1787.

Whereas it is absolutely necessary that monies should be immediately obtained for the purpose of enlisting the men, ordered to be raised in consequence of a resolve passed the 13th day of the present month :

Resolved, That the Treasurer of this Commonwealth, be, and he is hereby empowered and directed, to borrow a sum not exceeding *three thousand pounds*, for the purpose of paying to each officer and foldier, one half month's pay advance on engaging and enlisting into the service aforesaid, and the residue of the sum borrowed to be paid to the officers and foldiers who have already served in suppressing the rebellion, in proportion as wages may be due to them, not exceeding half a month's pay to each man.

Resolved, That the sum or sums which shall be borrowed by virtue of the foregoing resolution, shall be re-paid with interest at the rate of six per cent. per annum, out of the first monies that shall arise from that part of the revenue of the impost and excise which is appropriated for the exigencies of government, or from the specie part of the tax granted in *March 1786*, and which have not been already appropriated, or from the first monies which may arise from any additional or new duties and excises, or tax on polls and estates, which may hereafter be collected or levied.

Resolved, That the Governour be, and he is hereby requested, with advice of the Council, to issue a warrant on the Treasury of this Commonwealth, for such sum or sums of money as may be borrowed agreeably to the foregoing resolve, and to give order for the forwarding the same as soon as possible to such officer or officers, and with such directions for the purposes mentioned, as he may think proper.

XLV.

Resolve on the representation of the managers of the State land lottery, postponing the drawing of the said lottery until a return of the disposition of the said tickets shall be obtained. June 21, 1787.

Whereas it appears to this Court, from a representation of the managers of the State land lottery, that no account is yet received in regard to the disposition of a number of tickets sent into the county of *Lincoln*, to be sold there :

Resolved, That the drawing the said Lottery, which was to have commenced on the 20th day of *June* instant, be and hereby is postponed, until a return of the disposition of the said Tickets shall be obtained, and that the said managers be directed to procure such return as soon as may be, and proceed in drawing the said Lottery without delay, giving public notice of the time and place of drawing the same.

XLVI.

Resolve on the petition of *Naomi Willard*, empowering him to sell the land mentioned.

June 21, 1787.

On the petition of *Naomi Willard*, administratrix on the estate of *Benjamin Willard*, lately of *Stockbridge*, in the county of *Berkshire*, deceased, praying for leave to sell a tract of land belonging to the said estate.

Resolved, That the said *Naomi* be, and she hereby is authorized and empowered to make sale of the following tract of land, lying in *Stockbridge* aforesaid, containing about fourteen acres, bounded east on the highway, north and west on *Housatonic-River*, and south on the land of *Bulah Waldo*, and that her deed or deeds conveying the same, shall be valid and effectual, any law, usage or custom to the contrary notwithstanding :

Provided always; however, That the said *Naomi*, previous to making any sale and disposition of the said described premises, shall give bond with sufficient sureties to the Judge of Probate, to account for the proceeds of the sale of the said land; at the real value thereof.

XLVII.

Resolve on the petition of the Selectmen of *Monson*, releasing them from being at any cost or charge towards repairing the road between *Scott's-Bridge* and *Wilbraham* line. *June 21, 1787.*

Whereas it appears to this House, for the reasons set forth in the petition of the Selectmen of the town of *Monson*, praying that the road between *Scott's-Bridge* so called, and *Wilbraham* line, be hereafter kept in repair wholly by the town of *Palmer*: Wherefore

Resolved, That the town of *Monson* be, and they are forever hereafter excluded and released from being at any cost or charge towards repairing the road between *Scott's-Bridge* and *Wilbraham* line; and the said road shall at all times hereafter be kept in repair wholly at the cost and expence of the town of *Palmer*, any law or resolve to the contrary notwithstanding.

XLVIII.

Resolve on the petition of the towns of *Medfield*, *Needham* and district of *Dover*, in *Suffolk* county, deferring the consideration of said petition till the second Wednesday of the next Session of the General Court, and the resolve referred to, not to operate, and the town of *Dedham* to be notified to shew cause, &c. *June 21 1787.*

On the petition and remonstrance of the towns of *Medfield*, *Needham* and district of *Dover*, in the county of *Suffolk*, relating to a resolve of the General Court, passed the sixth day of *March* last, empowering and directing the Court of General Sessions, to rebuild a Bridge over *Charles-River* in *Dedham*, and assess the charge thereof on said *Dedham*, *Medfield*, *Needham* and *Dover*.

Resolved, That the consideration of the said petitions and remonstrance be deferred till the second Wednesday of the next Session of this Court; and that the resolve aforesaid for rebuilding the said Bridge, shall not operate until the final hearing and determination of this Court, concerning the same; and that the committee of Sessions, and the said town of *Dedham*, be notified by the said town of *Needham*, by an attested copy of this resolve, fourteen days before the said second Wednesday, then to shew cause if any they have, why the said petitions from *Needham*, *Medfield* and *Dover*, or either of them, shall not be granted, and that all parties conform themselves accordingly!

XLIX.

Resolve on the petition of *John Russell* of *Springfield*, directing the Secretary to cause all acts, &c. which respect the Commonwealth in general, or the counties of *Hampshire* and *Berkshire*, to be published in the *Springfield* and *Northampton* papers, and advertisements for the sale of non-resident lands. *June 22, 1787.*

Upon the petition of *John Russell* of *Springfield*, in the county of *Hampshire*; printer.

Resolved, That the Secretary be, and he hereby is directed to cause all such acts, resolves, and other doings of the Legislature, which respect the Commonwealth in general, or the counties of *Hampshire* and *Berkshire* in particular, or either of them, and which shall be thought necessary to be inserted in any of the *Boston* news-papers, to be also published in the papers printed at *Springfield*, and at *Northampton*, in the said county of *Hampshire*.

And it is further *Resolved*, That all such advertisements, for the sale of non-resident lands for payment of taxes, as by law are directed to be inserted in any *Boston* news-paper, shall in future be also published in the papers printed at *Springfield* and *Northampton*, when the lands to be sold lie in either of the counties of *Hampshire* or *Berkshire*; any law or resolve to the contrary notwithstanding.

L.

Resolve on the petition of *Ruth Gay*, wife of *Martin Gay*, authorizing her, in her own name, to commence any action for the recovery of monies due. June 22, 1787.

On the petition of *Ruth Gay*, wife of *Martin Gay*, an absentee :

Resolved, That *Ruth Gay* be, and she is hereby authorized and empowered, to commence and institute in her own name, any action or actions at law, for the recovery of any monies, due from any person or persons for the use or improvement of the real estate, late belonging to her said husband, during the late war, and the same actions to prosecute to final judgment and execution, in as full and ample a manner as though she now was, and always during the late war, had been a femme sole, and the fee of the said estate had been in her, and the contracts for rent made by, and with her.

Provided always, That any receipts heretofore given by the said *Ruth*, or the agent on the estate of the said *Martin Gay*, shall be good and valid in law, and any receipts, discharges, or acquittances hereafter executed, by the said *Ruth*, for such rents due as aforesaid, shall be good and valid to all intents and purposes,

LI.

Resolve on the petition of *William Pyncheon*, Esq; directing the Treasurer to receive a sum in consolidated notes. June 22, 1787.

Resolved, That the Treasurer of this Commonwealth be, and hereby is authorized and empowered, to receive of *William Pyncheon*, Esq; the sum of one hundred and eighteen pounds, thirteen shillings and nine pence, in consolidated notes of this Commonwealth, the same being for the sum of sixty-four pounds, thirteen shillings, and nine pence, due from him, in April, seventeen hundred and seventy-six, and the interest thereon to this time, for reasons set forth in his petition.

LII.

Resolve on the petition of *Daniel Merril*. June 22, 1787.

On the petition of *Daniel Merril*, praying that a judgment rendered against him in favour of *Thomas Durrell*, at a Court of Common Pleas, held at *York*, for and within the county of *York*, at April term last past, may be set off, for reasons :

Resolved, That the prayer of the said petition be so far granted, that the petitioner serve the said *Thomas Durrell* with an attested copy of the said petition, and of this resolve, fourteen days at least before the second Thursday of the next sitting of this General Court, then to shew cause (if any he has) why the prayer of the said petition should not be granted, and that execution be stayed in the mean time.

LIII.

Resolve on the petition of *Esra Jewell*, empowering him to re-enter the action mentioned. June 23, 1787.

On the petition of *Esra Jewell*, of *Almsbury*, representing, that at a Court of Common Pleas, began and held at *Concord*, March 14, 1786, *John Hunt*, of *Watertown*, recovered judgment against him for one hundred pounds, and praying he may be empowered to re-enter the said action, for reasons set forth in the said petition :

Resolved, That the prayer thereof be granted, and that the said *Esra Jewell* be, and he is hereby authorized and empowered, to re-enter the said action at the Court of Common Pleas next to be holden at *Concord*, in and for the county of *Middlesex*, on the second Tuesday of *September* next : and that the said Court of Common Pleas be, and they are hereby authorized and empowered, to take cognizance of the said action, and to proceed thereon in the same way and manner as they would have done, if the said action had been regularly brought, and the writ returnable to the same Court, and had been there entered by the said *John Hunt*, and that the said *Esra Jewell* serve the said *John Hunt* with an attested copy of this resolve, fourteen days at the least before the holding the aforesaid Court, and that the judgement aforesaid be, and hereby is vacated, and the execution thereon stayed.

And it is further *Resolved*, That the resolve of the General Court, passed the second day of *March* last, rendering the said *John Hunt's* execution against the said *Esra Jewell* valid and good in law, be, and the same is hereby repealed and rendered null and void.

Resolve

LIV.

Resolve on the petition of *Thomson Maxwell*, in behalf of the town of *Buckland*, directing the Treasurer to credit said town, &c. June 25, 1787.

On the petition of *Thomson Maxwell*, in behalf of the town of *Buckland*, praying for an abatement of two taxes assessed and apportioned on the said town, soon after their incorporation :

Resolved, for reasons set forth in the said petition, that the prayer thereof be granted, and that the Treasurer of this Commonwealth be, and he hereby is authorized and directed, to credit or remit to the town of *Buckland*, the taxes assessed on the said town for the years 1779 and 1780, amounting in the whole to *fifty pounds* in specie, any law or resolution to the contrary notwithstanding.

LV.

Resolve requesting the Governour to write to those States where the Insurgents have taken residence, &c. June 29, 1787.

Whereas by a resolution of the General Court, of the 13th day of this present month, the clemency of government is extended to all who have been concerned in the present rebellion, except some of the principal offenders, and those who stood convicted of being concerned in the rebellion aforesaid, by due course of law; which act of benignity and mercy, ought to induce those unhappy men to return to the open arms of their country, and again enjoy the blessings of a free government; but should they still continue their delusion, infatuation and crimes, the whole force of the Commonwealth must if necessary be exerted to reduce them, and protect the well affected constitutional government.

And whereas by the constitution it is out of the power of the Governour, to transport any of the inhabitants of the Commonwealth, or oblige them to march out of the limits of the same, without their free and voluntary consent, or the consent of the General Court.

And whereas also, it may become necessary to obtain the consent of the States, where any of the rebels have taken refuge, to march the troops of this State within the limits of such States respectively, in order to prevent an accumulation of force from thieves and other fugitives joining the rebels, which might render them formidable to other States, as well as this.

Resolved, That his Excellency the Governour be, and he hereby is requested, to make known to the States which have adopted measures for rendering efficacious the exertions of this government for the suppression of the rebellion, the just sense the Legislature entertain of their generous and friendly disposition; and to request of them, and all other States where any of the rebels may lurk for the purpose of making inroads into this State, that the troops of this State, if necessary, may be permitted, under such restrictions and limitations as may be by them adopted to preserve the tranquility of the respective States and the security of the citizens thereof, to march the troops of this government into the limits of the States where any of the rebels may have taken residence for rebellious purposes or with an intention of plundering, captivating, or annoying any of the citizens of this Commonwealth; and having obtained such permission, his Excellency the Governour is hereby authorized and empowered to march the forces of government, out of the limits of the Commonwealth, (and to encounter, resist and pursue by force of arms, as well without, as within the limits of this Commonwealth,) and also to kill, slay and destroy, if necessary, and conquer by all fitting ways, enterprises and means whatsoever, all and every of the rebels aforesaid, and all who may join, aid, abet and support them, and who in a hostile manner shall attempt or enterprize the destruction, invasion, detriment, or annoyance of this Commonwealth.

And whereas it may become necessary, should the lenient measures, which have been adopted, not produce the effect thereby designed; to make further provision to enable the Supreme Executive totally to suppress the rebellion: Therefore

Resolved, That his Excellency the Governour be, and he hereby is requested, agreeably to the constitution, should the safety and protection of the well affected to government, in his opinion, require it, to raise by voluntary enlistment or draft from the militia, such a force, as in his opinion shall be necessary, wholly and effectually to subdue all persons who may at any time be in arms against the government of this Commonwealth, and the whole expence arising thereby shall be defrayed out of the first monies which may come into the Treasury for the use of government, from any taxes or duties already laid, or which may be hereafter granted, and which have not yet been appropriated;

And whereas some of the persons to whom offers of mercy have been repeatedly made, may be encouraged from a mistaken idea of the lenity of government, to persist in their wicked and destructive courses, in expectation that the Legislature will renew their acts of grace after a commission of new offences.

Resolved, As the determination of the General Court, that no further acts of grace and clemency, consistent with the dignity of government, and that safety and protection which ought to be extended to the peaceable and well affected citizens of the Commonwealth, can be made to the persons aforesaid.

LVI.

Resolve declaring *Gideon Dunham* to be the person intended in a resolution passed the 13th day of *June* instant, to be excepted out of the said resolution of indemnity. *June 25, 1787.*

Whereas by a resolution of the General Court, of the thirteenth day of this present month, the clemency of government is extended to all persons who have committed any treasons or misprisions of treason during the present rebellion, excepting certain persons therein described and named; and whereas one of the persons so excepted is therein named *David Dunham*, which christian name was inserted by a mistake, and the person thereby intended, is *Gideon Dunham* of *Sheffield*, in the county of *Berkshire*, yeoman, and the said *Gideon Dunham* being a malignant and incorrigible offender,

It is Declared and *Resolved*, That the said *Gideon Dunham*, is the person meant and intended to be excepted out of the said resolution of indemnity, and the said *Gideon Dunham* shall not by virtue thereof receive any benefit or advantage whatsoever, but is excepted therefrom, and shall be so adjudged: And it is hereby further

Resolved, That the said *David Dunham* shall not be considered as within the exceptions of the said resolutions.

LVII.

Resolve on the petition of the town of *Buxton*, directing the Treasurer to discharge said town from the payment of a certain sum of money. *June 25, 1787.*

On the petition of the town of *Buxton*, setting forth that they are called upon by the Treasurer of this Commonwealth, for the payment of several taxes which were laid on the said town when a plantation, from 1761, to 1772, and praying for an abatement of the said taxes, for reasons set forth in the said petition:

Resolved, That the Treasurer of this Commonwealth, be, and he hereby is directed, to discharge the said town of *Buxton*, from the payment of one hundred and twenty pounds one shilling and eight pence three farthings, which sum it appears the said town now stands chargeable with, from the year 1761, to the year 1772, while unincorporated, and which sum never has been assessed on the inhabitants of the then plantation.

LVIII.

Resolve on the petition of *Thomas Dalrymple*, granting him £.4 10, for the losses his son sustained. *June 29, 1787.*

On the petition of *Thomas Dalrymple*, praying that he may receive wages for his son's time while in captivity, and also that he may receive compensation for a gun, blanket, and other articles that were taken from him by the enemy.

Resolved, That the prayer of the petition be so far granted, that there be allowed and paid out of the Treasury of this Commonwealth, to the said *Thomas Dalrymple*, the sum of four pounds ten shillings, in full compensation for the losses his son sustained, as mentioned in the aforesaid petition.

LIX.

Resolve on the petition of *William Ward*, in behalf of the plantation No. 5, directing the petitioner to serve the town of *Cummington*, the district of *Plainfield*, and that part of the said No. 5, to shew cause. *June 29, 1787.*

On the petition of *William Ward*, in behalf of the plantation No. 5, now incorporated into the town of *Cummington*, the district of *Plainfield*, and part thereof into the town of *Windsor*, praying for liberty to assess a tax of two pence per acre on all the lands formerly included in the said plantation No. 5, before it was incorporated, to defray the expence of hiring preaching and other charges, for reasons set forth in said petition.

Resolved,

Resolved, That *William Ward* the petitioner, serve the town of *Cumington*, the district of *Plainfield*, and that part of the said No. 5, which has been annexed to the town of *Windsor*, each, with an attested copy of the said petition, and this resolve thereon, by leaving the same with each of the said towns, and the said district Clerks, at least thirty days before the second Wednesday of the next sitting of the General Court, to shew cause on the said second Wednesday, if any they have, why the prayer of the said petition should not be granted; and that all executions which have been issued against any individual or individuals for the said expence, be stayed in the mean time.

LX.

Resolve on the petition of *Nathaniel Tredwell*, directing the Treasurer to issue new notes in lieu of those forged. June 29, 1787.

On the petition of *Nathaniel Tredwell*, setting forth, that wages were due to him, for his services as a soldier in the Continental army, but that previous to his making application to the Treasurer for his notes, a forged order was presented therefor, by one *Stephen Curtis*, and notes made out, and delivered accordingly; wherefore he hath never been able to obtain his said wages, notwithstanding he made application before the first of *December* last: And whereas it appears to this Court, that the said order was false and forged: Therefore

Resolved, That the Treasurer be, and he hereby is directed, to issue a note or notes to the said *Nathaniel Tredwell*, to the amount of the wages due to him as aforesaid, in the manner prescribed by law; and take every possible measure, for detecting and bringing to justice, the perpetrators of the forgery and fraud aforesaid.

LXI.

An Address of the two branches of the Legislature to his Excellency the Governour, relative to his relinquishment of £. 300 to be deducted from his salary as Governour. June 29, 1787.

May it please your Excellency,

YOUR Excellency's message of the 21st inst. containing an offer of *three hundred pounds* to be deducted from your salary, as Governour, for the present year, has been attended to, and considered by the two branches of the Legislature, not only as a proof of your Excellency's generosity, but as a mark of your attention to the peculiar situation of the people, and the embarrassed state of our public affairs.

The patriotism and benevolence of your Excellency, having been so often experienced in your various stations, we are convinced of the sincerity of the sentiment expressed in your message, that it always gives you the highest pleasure, when consistent with your idea of the public good, to meet the wishes of the people:

The embarrassed situation of this State, pleads in behalf of our constituents to accept your generous and unsolicited favor, though at the same time, we would not wish to have it operate as a precedent to influence any successor in office, to relinquish any part of his yearly salary.

The constitutionality of the question, relative to the Governour's salary being undetermined, we shall at present wave our sentiments on this subject; as this decision without doubt, will claim the attention of the Legislature when they shall think expedient.

LXII.

Resolve empowering the Treasurer to receive soldiers orders drawn for one month's pay, agreeably to the resolutions of the General Court, of the second of *May* last, in payment of the specie part of the last tax, provided the same are exhibited by the first of *September* next: June 30, 1787.

Resolved, That the Treasurer of this Commonwealth be, and hereby is empowered and directed, to receive soldiers orders drawn for one month's pay, agreeably to the resolutions of the General Court, the second day of *May* last, in payment of the specie part of the last State tax, and any other outstanding taxes, provided the same are exhibited to him for payment on or before the first day of *September* next.

LXIII.

Resolve granting a tax of £. 200, to be assessed on the inhabitants of the county of *Plymouth*, for the use of said county. July 2, 1787.

Whereas it appears by a resolve of the General Court, passed the sixth day of *March* last past, that the county Treasurer's accounts for the county of *Plymouth*, were duly examined and allowed: And

Whereas it appears from an estimate of the Justices of the Court of General Sessions of the Peace, of the said county of *Plymouth*, made on the tenth day of *April* last, that the sum of *two hundred pounds*; is necessary for defraying the charges of the said county, for the years seventeen hundred and eighty-six, and seventeen hundred eighty-seven.

Therefore *Resolved*, That there be, and hereby is granted a tax of *two hundred pounds*, to be apportioned and assessed on the inhabitants of the said county and estates lying within the same, and collected, paid and applied for the use of the said county, according to the laws of the Commonwealth.

LXIV.

Grant of £.17, to the Honourable *Seth Washburn*, Esq; and others, Committee on accounts. *July 2, 1787.*

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to the Honourable *Seth Washburn*, and others, Committee on accounts, *seventeen pounds*, in full for their extra pay as Committee of accounts for the year 1785.

LXV.

Resolve directing Collectors of Impost and Excise, and Naval-Officers, to settle their accounts with the Comptroller-General, and to make return to him of all outstanding debts, &c. *July 2, 1787.*

Whereas the acts, resolves and orders directing the Naval-Officers and Collectors of Impost and Excise, to settle their accounts, have been and may be differently understood, by different officers; and whereas it is necessary that there should be a uniformity in their proceedings, and that government may have exact informations not only of the annual revenue derived from Impost and Excise, but of the sums due on these duties prior to the first of *January* last.

Resolved, That the several Naval-Officers and Collectors of Impost and Excise, who have not settled their accounts, be, and they are hereby directed, forthwith to settle them with the Comptroller-General, any resolves or order to the contrary notwithstanding.

Resolved, That the Naval-Officers and Collectors of Impost and Excise, and their respective Deputies, be, and are hereby directed, forthwith to make return to the Comptroller-General, of all the outstanding debts, and all the unliquidated bonds given, and an account of all such seizures as they have respectively made, prior to the first day of *January* last, and that they severally pursue the steps of the law in the recovery thereof.

And it is further *Resolved*, That the Comptroller-General lay a state of the sums before the General Court, on the second Wednesday of their next sessions.

LXVI.

Resolve on the petition of *Jotham Busb*, granting £.100, for so much paid in discharge of an execution mentioned, *July 2, 1787.*

On the petition of *Jotham Busb*, praying he may be reimbursed *one hundred pounds*, he paid *William Greenleaf*, Esq; in discharge of an execution in favour of the Commonwealth against him; for reasons set forth in the said petition,

Resolved, That there be allowed and paid out of the public Treasury, to *Jotham Busb*, *one hundred pounds*, for so much he paid in discharge of an execution in favour of the Commonwealth, on a judgment recovered against him, at the Supreme Judicial Court at *Worcester*, in *September 1784*, for the non appearance of *Benjamin Fish*, at the said Court, it appearing to this Court that the said *Fish* was prevented attending by sickness.

LXVII.

Resolve on the petition of the Selectmen of the town of *Bristol*, county of *Lincoln*. *July 3, 1787.*

On the petition of the Selectmen of the town of *Bristol*, praying that the Treasurer of the said town may be empowered to issue executions against deficient Collectors.

Resolved, That the prayer of the said petition be granted, and the Treasurer of the

said town, is hereby fully authorized and empowered to issue his writ or writs of execution against any Collector or Collectors of the said town, who may have remaining in their hands respectively, any part of the public taxes; which by a resolve of the General Court, passed on the twenty-fourth day of March 1766, they were directed to pay into the Treasury of the said town of *Bristol*;

LXVIII.

Resolve on the petition of *Joseph Gardner*, granting £.254 13 6, to pay *James Swan*, Esq; being a demand on the estate of the late Treasurer *Gardner*. July 3, 1787.

On the petition of *Joseph Gardner*, administrator on the estate of *Henry Gardner*, Esq; late Treasurer, deceased, praying allowance for the account of *James Swan*, who assisted in the Treasurer's Office, in the years 1775 and 1776.

Resolved, That there be paid out of the Treasury of this Commonwealth, to *Joseph Gardner*, Esq; administrator on the said *Henry's* estate, the sum of two hundred and fifty-four pounds, thirteen shillings and six pence; to enable him to pay the demand of *James Swan*, against the estate aforesaid, it being for service in the Treasurer's Office, in the years 1775 and 1776.

LXIX.

Resolve intitling *Gordon Hutchins*, to no further benefit or remedy from any process in the premises. July 5, 1787.

Whereas by a resolve of the General Court, passed on the seventh day of March last, *Gordon Hutchins* is intitled to the same legal process on a judgment and execution in the said resolve mentioned; as he would have been, had the said execution been returned wholly unsatisfied; and whereas it appears that the real estate, on which the said execution was levied, was appraised at twenty one pounds, and no more, and that the remaining sum of the said execution was otherwise satisfied.

Therefore Resolved, That the said *Gordon Hutchins* shall be entitled to no further benefit, or remedy from any process in the premises, than he would have had, if the same execution had been returned unsatisfied, for such part thereof only as was levied on real estate, any thing in the resolve aforesaid notwithstanding.

LXX.

Resolve establishing the pay of the members of the General Court. July 5, 1787.

Resolved, That there be paid out of the Treasury of this Commonwealth, the sum of eight shillings to each member of the Council; the sum of seven shillings and six pence to each member of the Senate, and the sum of seven shillings to each member of the house of Representatives, for each day they have respectively attended the Council or the General Court the present session, also the sum of one day's pay, for every ten miles distance each member lives from this place.

It is further Resolved, That there shall be paid out of the public Treasury to the honourable *Samuel Adams*, Esq; President of the Senate, and to the honourable *James Warren*, Esq; Speaker of the House of Representatives, each, the sum of six shillings per day, for every day's attendance on the General Court the present session, over and above their respective pay as members thereof.

LXXI.

Resolve on the petition of *Joseph Thompson*, Lieutenant-Colonel of the late 10th Massachusetts Regiment, directing the Treasurer to issue his note or notes, for the sum of £.43 19, with interest from 1781. July 5, 1787.

On the petition of *Joseph Thompson*, Lieutenant-Colonel of the late tenth Massachusetts Regiment.

Whereas it appears to this Court that the said *Joseph Thompson*, on the 20th of December, 1779, received of Major-General *Heath*, the sum of one thousand four hundred and fifty-nine pounds; fourteen shillings, for the purpose of reinlisting the troops belonging to this State, part of which money was destroyed by fire, and the remainder, with the papers of the petitioner falling into the hands of the enemy, put it out of his power to account with the committee for the same, in consequence whereof the sum of forty-three pounds,

nineteen shillings, in specie, was charged to the said *Joseph Thompson*, on the settlement of his accounts to the first day of *January* 1781: Therefore,

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed to issue his note or notes to the said *Joseph Thompson*, for the sum of *forty-three pounds, nineteen shillings*, with interest, from the first day of *January* 1781, payable in the same manner as if no stoppage had been made at the time of settling the said *Thompson's* accounts.

LXXII.

Resolve on the petition of *Joseph Boyd*, collector of State tax, No. 5, for the town of *Bristol*, in *Lincoln* county, empowering the Treasurer to receive the warrant mentioned. *July* 5, 1787.

On the petition of *Joseph Boyd*, collector of State tax No. 5, for the town of *Bristol*, in the county of *Lincoln*, praying that he may be enabled to pay into the Treasury of this Commonwealth, on the specie part of the said tax No. 5, a warrant drawn on the Treasurer, in favour of the said *Boyd*, for the sum of *eighty-one pounds, eighteen shillings and one penny*:

Resolved, That for reasons set forth in the said petition, the Treasurer be, and hereby is empowered, and directed, to receive the aforesaid warrant of the aforesaid *Joseph Boyd*, and credit him therefor the sum of *eighty-one pounds, eighteen shillings and one penny*, on the specie part of State tax No. 5, committed to the said *Joseph Boyd* to collect of the inhabitants of the town of *Bristol*, in the county of *Lincoln*.

LXXIII.

Resolve empowering the Quarter-Master to allow pay for Adjutants and others horses, upon his receiving satisfactory evidence. *July* 5, 1787.

Resolved, That the Quarter-Master-General be, and he is hereby ordered and directed, to allow pay for the service of the Adjutants horses, and of the horses impressed into the public service, during the present rebellion, at the same prices allowed for similar services; on his receiving satisfactory evidence of the performance of the same.

LXXIV.

Resolve on the petition of *Samuel Farrar* and others, invalids on *Castle-Island*, directing the Commissary-General to furnish cloathing, and allowing them pay. *July* 5, 1787.

On the petition of *Samuel Farrar* and others, invalids that are doing duty on *Castle-Island*. *Resolved*, That the Commissary-General be, and he hereby is directed, to furnish each of the said invalids with cloathing, in the same manner as the garrison of the said *Castle-Island* are furnished.

And it is further *Resolved*, That there be allowed and paid out of the Treasury of this Commonwealth, to the pensioners that may apply, and being properly certified agreeable to a resolve of the General Court, of the 17th of *March* 1786, the several sums affixed to their names respectively on the rolls, which the Secretary has or may transmit to the Treasurer, agreeable to the resolve aforesaid, in the same manner that the garrison of *Castle-Island* are paid, and that the same be charged to the United States accordingly.

LXXV.

(Roll No. 7.) *July* 3, 1787.

The Committee on accounts, have examined and passed upon the accounts that have been presented, and report, that the several sums carried out they find due to the towns, and persons hereafter mentioned, which if allowed will be in full discharge of said accounts.

JOSEPH HOSMER, per Order.

To <i>Joseph Frost</i> , for services performed in <i>January</i> last, as Brigade-Major in the counties of <i>York</i> and <i>Cumberland</i> ,	£. 4 4 0
To <i>William White</i> , for service performed at the Hospital for the Commonwealth, at <i>West-Boston</i> , in <i>March</i> last,	4 10 0
To <i>Thomas Downe's</i> bill for mending chairs, &c. belonging to the Senate-Chamber, in <i>May</i> last,	0 13 0

To

To Doctor <i>Timothy Danforth's</i> bill for visits and medicines for one <i>Hannah Mirick</i> , of the poor of <i>Charlestown</i> , from <i>May 1784</i> , to <i>September 1785</i> ,	£. 0 17 4
To Doctor <i>Edmund Bancroft</i> , for administering to <i>John Withington</i> , a sick soldier, in <i>Col. Badlam's</i> regiment, last winter,	10 7
To Doctor <i>John Flagg</i> , for administering to <i>Richard Hunnewell</i> and daughter, two of the poor of <i>Charlestown</i> , from <i>March 1786</i> , to <i>March 1787</i> ,	6 5 10
To <i>Benjamin Edes</i> and son, for printing for the Commonwealth, from <i>November 1786</i> , to <i>June 11, 1787</i> ;	44 18 2
To <i>Edward Eveleth Powers</i> , for the same service from <i>February 1787</i> , to <i>May 1787</i> , by order of Secretary,	56 18 0
To <i>John Tracy</i> , Deputy-Adjutant-General, for his services and expences last winter, in consequence of special orders,	32 8 0
To <i>Sampson Wood</i> , for his trouble and expences, with assistants, in removing <i>George Marsden</i> to <i>Boston</i> , goal in <i>March</i> last,	4 18 0
To the Selectmen of <i>Bedford</i> , for entertaining the widow <i>Hannah Mirick</i> , one of the poor of <i>Charlestown</i> , and an old negro of the same town, from the first of <i>January 1786</i> , to the last of <i>April 1787</i> ,	20 10 0
To Doctor <i>Samuel Williams</i> , as agent on <i>Yorkline</i> , for his journey, services, expences and assistant, in his services by order of government in <i>September</i> and <i>October 1786</i> , as a balance of his account,	30 15 7
To the town of <i>Brimfield</i> , for powder delivered in <i>July, 1775</i> , for the use of the Commonwealth, which was to have been replaced,	3 0 0
To the town of <i>Lanesborough</i> , for keeping <i>Samuel Harrison</i> and son, States poor, from <i>February 1782</i> , to <i>May 1785</i> ,	85 10 0
To the same town, for supporting the same person, with his family, to the 7th of <i>May 1787</i> ,	41 12 0
To the Selectmen of <i>Rutland</i> , for supporting <i>John Chard</i> and family, poor of the Commonwealth, and other expences in <i>1785</i> , and <i>1786</i> , himself, wife, and two children,	17 3 48
To <i>Enoch Shepard</i> , for his services in riding exprefs in <i>December</i> last, when the travelling was very difficult,	1 1 0
To <i>Elizabeth Osborne</i> for board, from <i>November 15th 1786</i> , to <i>June 20th 1787</i> , one of the poor of <i>Charlestown</i> ,	12 8 0
To <i>Elizabeth Leman</i> , another of the poor of <i>Charlestown</i> , from <i>November 15th</i> , to <i>June 20th 1787</i> , for board,	9 6 0
To <i>Oliver Prescott</i> , Esq; his charge for visits and medicines on account of <i>William Martin</i> , one of the State's poor, in <i>1785</i> , <i>1786</i> and <i>1787</i> ,	2 4 0
To <i>John Hooton's</i> account for oars for the Castle <i>1785</i> , allowed but not paid, and the order brought to the Committee on accounts,	3 15 5
To ditto, for ditto, in <i>1786</i> , both bills attested by proper officers,	3 12 6
To the town of <i>Dracut</i> , for boarding; nursing, Doctor's bill, &c. &c. an extraordinary case, and extraordinary trouble, on account of <i>John Hancock</i> , one of the State's poor, from the 3d of <i>February</i> , to <i>June 25th 1787</i> ,	32 1 1
To <i>William Sewer</i> , Brigade-Major, for his services in the present year, agreeable to the orders he received from superior officers,	2 9 4
To the town of <i>South-Hadley</i> , for boarding, tending in sickness, burying, &c. <i>James Snow</i> , one of the State's poor, <i>February 1786</i> ,	7 6 10
To <i>John Austin</i> , one of the <i>Charlestown</i> poor, together with his wife, for board, from <i>March 2d</i> , to <i>June 27th 1787</i> ,	8 5 0
To <i>Justus Dwight</i> , for boarding <i>Agnis Thompson</i> , &c. one of the State's poor, from the 1st of <i>May 1786</i> , to the 1st of <i>November 1786</i> ,	19 18 0
To <i>John Wire</i> , one of the <i>Charlestown</i> poor, for board, from <i>October 1785</i> , to <i>October 1786</i> ,	24 18 0
To <i>Joseph Cooke</i> , goaler in <i>Hampshire</i> county, for services and expences, and keeping two deserters in <i>1783</i> ,	2 12 6
To the town of <i>Needham</i> , for supporting <i>Elizabeth English</i> and family, State's poor, to <i>April 1st 1785</i> , before allowed, but not paid,	7 16 3
To the town of <i>Boston</i> , for supporting in the alms house the poor of the Commonwealth from <i>September 1st 1786</i> , to <i>March 1st 1787</i> ,	890 18 24

To <i>Samuel Partridge</i> , Master of the alms-house in <i>Boston</i> , for his trouble in taking care of the poor of the Commonwealth, receiving pay from no other quarter, and agreeable to the allowance heretofore made, which account refers to the account given in by the town of <i>Boston</i> , above,	£. 98	0	0
To the town of <i>Westborough</i> , for boarding <i>John Schudemore</i> , one of the State's poor, from the 1st of <i>January</i> 1787, to the 1st of <i>April</i> 1787,	5	1	3
To the town of <i>Acton</i> for supporting <i>John Kennedy</i> and wife, State's poor, from 12th of <i>September</i> 1786, to <i>March</i> 12th 1787,	14	13	0
To the town of <i>Woburn</i> , for boarding <i>Mary Shute</i> , one of the State's poor, from 17th of <i>September</i> 1786, to the time of her death, &c.	7	0	0
To the town of <i>East-Hampton</i> , for supporting <i>Rebecca Gardner</i> one of the State's poor from <i>December</i> 1785, to <i>April</i> 1787,	14	9	9
To <i>James Kettie</i> , for boarding himself and wife, two of the <i>Charlestown</i> poor, from <i>November</i> 3th 1786, to <i>June</i> 26th, 1787,	9	18	0
To <i>Simon Stow's</i> account, as agent to the estate of <i>Henry Barnes</i> , and for expences on journeys, to <i>June</i> 1787,	8	17	3
To <i>Edward Procter</i> , for supplying a number of Germans on Governour's Island in the year 1777; the account then offered, examined and allowed, but not paid,	46	12	6
To the town of <i>Lynn</i> , for boarding, &c. <i>Richard Hunnewell</i> , aged 74, and daughter, aged 37 years, with <i>Mary Gibson</i> , the poor of <i>Charlestown</i> , from the 1st of <i>February</i> 1787, to the 1st of <i>July</i> 1787,	20	4	5
To <i>Jacob Kuhn's</i> bill for cash advanced for necessary articles for the use of the House and Senate, to the 24th of <i>June</i> 1787,	1	15	3 ¹ / ₂
	£. 2610	2	5 ¹ / ₂

Read and accepted, and thereupon

Resolved, That his Excellency the Governour be, and he hereby is requested, with the advice of Council, to issue his warrants on the Treasury for the payment of the several persons borne on this roll, the sums set against their names respectively, amounting in the whole to *two thousand six hundred, and ten pounds, two shillings and five pence one farthing*.

LXXVI.

Resolve on the petition of *Abel Holman*, admitting him to bail on sufficient security, *July* 6, 1787.

On the petition of *Abel Holman*, jun.

Resolved, That the prayer of the said petition be so far granted, that *Jableel Woodbridge* and *Jonathan Naffs*, Esq; two of the Justices of the Peace, for the county of *Berkshire*, *quorum unus*, be, and hereby are authorized to admit him to bail, on good and sufficient surety for his appearance at the next Supreme Judicial Court to be holden within and for the said county.

LXXVII.

Resolve on the petition of *Samuel Stearns*, directing his liberation from goal at *Worcester*, from the execution upon which he stands committed, on behalf of this Commonwealth, giving notice to his bondsmen. *July* 6, 1787.

On the petition of *Samuel Stearns*, now a prisoner in *Worcester*, goal, praying that he may be discharged from an execution upon which he stands committed, in behalf of the Commonwealth.

Resolved, for reasons set forth in the said petition, that the prayer be so far granted, that the Sheriff of the county of *Worcester* be, and he hereby is directed, to discharge the said *Samuel Stearns* from the execution upon which he stands committed in behalf of the Commonwealth, after giving notice to the bondsmen of the said *Samuel Stearns*, at least fourteen days previous to the day the Sheriff may appoint for his discharge, that the said bondsmen may secure him at their own suit, if they see fit.

LXXVIII.

Resolve on the petition of *George Williams*, reversing a judgment obtained against him. *July* 6, 1787.

On the petition of *George Williams* of *Marlborough*,
Resolved, for reasons set forth in the said petition, that a judgment recovered against him the said *George*, by *Joel Brigham* of the same *Marlborough*, before *Samuel Curtis*, Esq; a Justice of the Peace, on the thirteenth day of *April* last past, be set aside, and rendered null and void, he the said *George Williams*, paying to the said *Joel Brigham*, the cost of suit taxed in the said judgment, and that the said *Joel Brigham*, may in future, if he see cause, bring a new action for the debt mentioned in the said judgment.

LXXIX.

Resolve on the petition of *James Sullivan*, setting aside a judgment given in an action in the Supreme Judicial Court, at *Ipswich*, in *June* current, wherein *Michael Farley*, Esq; was plaintiff, and *John Murray* defendant, and continuing the cause to the next Court at *Salem*. July 6, 1787.

Upon the petition of *James Sullivan*.

Resolved, That the judgment given in an action in the Supreme Judicial Court, holden at *Ipswich*, within and for the county of *Essex*, on the third Tuesday of *une* current, wherein *Michael Farley*, Esq; Treasurer of said county, is original plaintiff, and *John Murray* was original defendant, for the reason in the said petition, be, and hereby is set aside, and that the cause be continued to the next Supreme Judicial Court, to be holden at *Salem*, within and for the county of *Essex*, in the same manner as if the cause had been regularly continued to that time; and the Clerk of the said Court, is directed to carry the same action forward to the said Court, to be holden at *Salem* as aforesaid, in the same manner, and that the same proceedings be thereupon had, as if judgment had never been given in the cause.

LXXX.

Resolve on the petition of *Elizabeth Snelling*, administratrix on the estate of *Jonathan Snelling*, deceased, empowering her to commence and prosecute to final judgment; any suits against *Elizabeth Goldthwait*, administratrix on the estate of *Ezekiel Goldthwait* deceased, or against other persons. July 6, 1787.

Resolved, That *Elizabeth Snelling*, administratrix on the estate of *Jonathan Snelling*, deceased, intestate, be, and she is hereby authorized and empowered, to commence and prosecute to final judgment and execution, any suit or suits against *Elizabeth Goldthwait*, administratrix on the estate of *Ezekiel Goldthwait*, Esq; deceased, or against any person or persons whomsoever, in as full and ample a manner as she might have done, had the said *Elizabeth Snelling* and said intestate, been citizens of this Commonwealth at the time of his decease, and had he not been an absentee, and that she account for all monies which may be by her recovered on any suit or suits so to be brought, with the Judge of Probate of *Suffolk* county, as the estate of the said *Jonathan Snelling*, to be distributed according to law.

LXXXI.

Resolve granting \$120 to Captains *Joshua Danforth* and *Park Holland*. July 6, 1787.

On the several petitions of *Joshua Danforth* and *Park Holland*, who have complied fully with the requisitions of Government, as agents and pay-masters, and are intitled to the allowance that has been made other agents in like cases:

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to the said *Joshua Danforth* and *Park Holland*, the sum of *one hundred and twenty pounds* each, in full compensation for their time, travel and expences, in performing the business of their appointment respectively, they to be accountable for all sums of money, by them at any time respectively received, and this allowance to be charged to the United States:

LXXXII.

Resolve directing the Treasurer to issue orders on Collectors in favour of members of the General Court. July 6, 1787.

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed, to pay to such members of the General Court, as may chuse to receive orders for their travel and attendance at the General Court the present session, orders on any of the taxes
 which

which were assessed previous to the year one thousand seven hundred and eighty four, or on the specie part of the tax granted in the year one thousand seven hundred and eighty six, at their election; provided such orders be drawn on the Collectors of such towns to which such members respectively belong.

LXXXIII.

Resolve directing the Treasurer to recall his execution issued against *Hopkinton*. July 6, 1787.

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed, to recall the execution issued against the town of *Hopkinton*, for deficiency of taxes, and to stay the same until the fourth Wednesday of the next setting of the General Court, and that the further consideration of the petition of *Walter McFarland*, in behalf of the said town, be referred to the said session.

LXXXIV.

Resolve on the petition of Monsieur and Madam *De Gregoire*, granting them the Island of *Mount-Desert*, and other lands, upon certain conditions therein mentioned. July 6, 1787.

Whereas it appears to this Court, that the lands claimed by Monsieur and Madam *De Gregoire*, as described in their petition, were in *April*, 1691, granted to Monsieur *De La Motte Cadillac*, by his late Most Christian Majesty, *Louis*, XIV, to hold to him as an estate of inheritance, and that said Madam *De Gregoire* is grand-daughter, and direct heir at law of said *De La Motte Cadillac*. But whereas by long lapse of possession, the legal title, to the said lands, under the said grant, is lost to the heir at law of the said Monsieur *De La Motte Cadillac*; and the said Monsieur and Madam *De Gregoire*, have not any interest or estate now remaining therein, but through the liberality and generosity of this Court, which are not hereafter to be drawn into precedent: And whereas it is the disposition of this Court, to cultivate a mutual confidence and union between the subjects of his Most Christian Majesty and the citizens of this State, and to cement that confidence and union by every act of the most liberal justice, not repugnant to the rights of their own citizens:

It is therefore *Resolved*, That there be, and hereby is granted, to the said Monsieur and Madam *De Gregoire*, all such parts and parcels of the Island of *Mount Desert* and other Islands, and tracts of land particularly described in the grant or patent of his late Most Christian Majesty, *Louis* XIV, to said Monsieur *De La Motte Cadillac*, which now remain the property of this Commonwealth, whether by original right, cession, confiscation or forfeiture, to hold all the aforesaid parts and parcels of the said lands and Islands to them the said Monsieur and Madam *De Gregoire*, their heirs and assigns, forever:

Provided however, That the committee for the sale of eastern lands be, and they hereby are authorized and fully empowered, to quiet to all or any possessors of, or claimers to the title of any parts of the lands herein described, all such parts and parcels thereof as they the said committee shall think necessary and expedient, and on such consideration and condition as they the said committee shall judge equitable and just, under all circumstances, conformable to the precedents heretofore established with regard to settlers. And this grant is not to take effect, and it shall not be lawful for the said Monsieur and Madam *De Gregoire*, to take or hold possession of the lands hereby granted, until an act or bill of naturalization has been passed in their favor.

LXXXV.

An Address to his Excellency, to remove from office, *Ephraim Fitch* and *John Hurlbut*, Justices of the Peace. July 6, 1787.

Ordered, That *Charles Turner* and *Tristram Dalton*, Esq's, *Mr. Sedgwick*, *Mr. Van Schaack* and *Mr. Parsons*, be a Committee to present to his Excellency, the following address.

May it please your Excellency,

The two branches of the General Court, sensible how important it is, that the characters of men, appointed to superintend the execution of the laws, should be pure and unfulfilled, and that their patriotism, their love of their country, and inviolable attachment to the constitution, should not be subject to any just suspicions, take the liberty to make known

known to your Excellency, that *Ephraim Fitch* of *Egremont*, in the county of *Berkshire*, Esq; and *John Hurlbut* of *Alford*, in the same county, Esq; Justices of the Peace, within and for that county, have been indicted by a very respectable Grand-Jury, of the heinous and detestable crime of high treason: And that they, when the noble and generous exertions of freemen, dispersed the forces of rebellion, fled from the justice of their country. That in the opinion of the General Court their flight could have originated only from a consciousness of guilt. But whether innocent or not, the honour of government requires that men, against whom there is just foundation of suspicion, should not be permitted to exercise offices of such great importance. The General Court therefore request, that your Excellency would be pleased, by and with the advice and consent of Council, to remove the said *Ephraim Fitch*, and *John Hurlbut*, from their offices aforesaid.

LXXXVI.

Resolve providing for the payment of the money heretofore borrowed of the Bank, directing the Treasurer to borrow the further sum of £. 1000 of said Bank, to pay the Members of the General Court, &c. July 7, 1787.

Whereas the Treasurer of this Commonwealth has from time to time, by direction of the General Court, borrowed several sums of money from the President and Directors of the Massachusetts Bank, agreeably to the resolves which have passed for the purpose, and it appearing to this Court that the sums so borrowed are not yet wholly discharged:

Resolved, That the Treasurer be, and he hereby is directed to govern himself in discharging the debts due from this Commonwealth to the President and Directors aforesaid, agreeably to the mode pointed out in the resolves of the 20th of February 1787, directing him to pay the same out of the first money received in the treasury from the Impost and Excise, or from any taxes; any thing contained in any law or resolve to the contrary notwithstanding: And the Treasurer is further directed, in order to expedite the payment of the aforesaid debts, to call upon the Excise and Impost officers throughout this Commonwealth, to pay what monies they may receive into the treasury monthly, where their local situation will admit of so doing.

And it is further *Resolved*, That the Treasurer of this Commonwealth be, and he is hereby authorized and directed, to borrow of the President and Directors of the Massachusetts Bank, the sum of *one thousand pounds*, which sum the said Treasurer is hereby directed to pay to the Members of the Honourable Council, the Members of the Honourable Senate and House of Representatives, in proportion to the sums due to them for their attendance the present session of the General Court: And the Treasurer aforesaid is further directed to repay the money he may borrow, in pursuance of this resolve, in the same manner as provided for the payment of money heretofore borrowed of the President and Directors of the Massachusetts-Bank, agreeably to the resolution heretofore passed as aforesaid for that purpose.

LXXXVII.

Resolve on the petition of *Abraham Shattuck*. July 7, 1787.

On the petition of *Abraham Shattuck*, praying that a fine of *twenty pounds*, imposed off him by judgment of the Supreme Judicial Court, be received in the government securities of this Commonwealth:

Resolved, That the prayer of the said petition be so far granted, as that the said *Abraham Shattuck* be permitted to discharge the said fine, in the aforesaid securities of this government, agreeably to the prayer of his petition; and the Sheriff of the county of *Middlesex*, is hereby directed to receive the same in satisfaction of the said judgment accordingly; provided the said *Shattuck* pay the costs of prosecution, in the same manner as though this resolve had not been passed.

LXXXVIII.

Resolve granting *Joshua Shaw*, £. 29 8s. in a consolidated note. July 7, 1787.

On the petition of *Joshua Shaw*, representing that his wages, amounting to *twenty-nine pounds, eight shillings*, have been paid on a forged order, and praying the consideration of this Court:

Resolved, That the Treasurer be, and he hereby is directed, to pay out of the public treasury to the said *Joshua Shaw* or order, a consolidated note for the sum of *twenty-nine pounds, eight shillings*, the said wages having been drawn by a forged order notwithstanding.

LXXXIX.

Resolve respecting Collectors of Impost and Excise taking oaths, and directing the Secretary to publish this resolve, and a resolve passed this day respecting the collection of back taxes. *July 7, 1787.*

Resolved, That each and every Collector of Impost and Excise, within this Commonwealth, shall on his presenting any orders drawn on the revenue of Impost and Excise, before he is credited for the same, take the following oath before the Treasurer of this Commonwealth, or before some Justice of the Peace, who shall administer the same without any fee.

I *A. B.* do swear, that all the orders now offered by me in payment of Impost and Excise, committed to me to collect, to the amount of _____ were actually received from the several persons indebted for Impost and Excise, or otherwise, without any discount or premium, either directly or indirectly, or any promise or hope of reward. *So help me GOD.*

And it is further *Resolved*, That each Collector of Impost and Excise shall require the same oath of each of their Deputies, previous to their giving them credit for any orders drawn as aforesaid; a certificate of which oath shall be forwarded to the Treasurer with such orders.

Ordered, That the Secretary cause the foregoing resolve, together with the resolve of this day respecting the collection of taxes, to be published in the Independent Chronicle.

XC.

Resolve on the petition of the Selectmen of the town of *Rowe*, directing the Treasurer to discount the sum mentioned, and empowering the Selectmen to make out and deliver to the Constable or Collector of said tax a warrant in due form of law. *July 7, 1787.*

On the petition of the Selectmen of the town of *Rowe*, setting forth, that the said town was taxed *thirty-one pounds ten shillings*, as Representative's pay, in the tax passed *July ninth 1784*, although the said town then called *Myrifiold*, had never sent a Representative to the General Court:

And also that the town was taxed the sum of *seventy-four pounds, one shilling and eight pence* in the aforesaid tax, exclusive of the said *thirty-one pounds ten shillings*, mentioned for Representative's pay; and although they did make a return of the assessment of the said tax of *seventy-four pounds one shilling and eight pence*, to the Treasurer, have not received a warrant for the collection of the same.

Therefore *Resolved*, That the Treasurer of this Commonwealth, be, and he is hereby directed, to discount with the Constable or Collector of the town of *Rowe*, or *Myrifiold*, the above sum of *thirty-one pounds ten shillings*, set on the said town as Representative's pay, and charge the same to the Commonwealth. Furthermore,

Resolved, That the Selectmen or Assessors of the town of *Rowe*, for the time being, be empowered, and they are hereby empowered and directed to make out and deliver to the Constable or Collector of the said tax of *seventy-four pounds, one shilling and eight pence*, a warrant in due form of law for the collection and paying into the Treasurer of the Commonwealth, the foregoing sum agreeably to the laws of the State.

XCI.

Resolve directing the Treasurer to repay the money borrowed of the Directors of the Bank, pursuant to a resolve passed this day, out of the first monies received in the treasury. *July 7, 1787.*

Whereas by a resolve of the General Court passed this day, the Treasurer of this Commonwealth is authorized and impowered, to borrow the sum of *one thousand pounds*, of the President and Directors of the Massachusetts Bank, for the purpose in the said resolve mentioned; and the said Treasurer is further directed to repay the money so borrowed, in such manner as may interfere with some former appropriation, which was not the intent of the said Court: Therefore

Resolved,

Resolved, That the Treasurer be, and hereby is directed, to repay the money he shall borrow of the President and Directors of the Massachusetts Bank, pursuant to the direction of the General Court in the resolution of this day, out of the first money received in the Treasury from the Impost and Excise, or from any taxes, not interfering with any former appropriation, any thing in the afore-recited act to the contrary notwithstanding.

XCII.

Resolve granting to each of the delegates who shall proceed to Congress £.200. July 7, 1787.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to the Delegates who are appointed to represent this State in Congress, the ensuing year, and who shall proceed on the business of their appointment, the sum of two hundred pounds each, they to be accountable for the sums they shall respectively receive.

XCIII.

Resolve on the petition of *Hezekiah Hooper* and *Eliphalet Cary*, administrators on the estate of *Josiah Edson*, late of *Bridgewater*, deceased. July 7, 1787.

On the petition of *Hezekiah Hooper* and *Eliphalet Cary*, administrators on the estate of *Josiah Edson*, late of *Bridgewater*, deceased, representing that the said *Josiah* purchased of his father, *Josiah Edson*, of the said *Bridgewater*, a conspirator, a lot of land by deed, bearing date December the eighth, 1769, which deed was not acknowledged in the life time of the subscribing party; and as the witnesses to the said deed are deceased, therefore praying for a confirmation of the said deed. Also setting forth that there is a small lot of land, consisting of eight acres, adjoining to the lot aforesaid, which was the property of the said conspirator, and praying, for reasons set forth in the petition, that the said eight acres might be granted to the heirs of the said *Josiah*, jun.

Resolved, That the deed given by *Josiah Edson*, of *Bridgewater*, to *Josiah Edson*, jun. bearing date as aforesaid, be, and hereby is confirmed and established, to all intents and purposes, as fully and amply as though the same had been acknowledged by the grantor; and the Register of deeds for the county of *Plymouth*, is hereby authorized to record the same deed, any law to the contrary notwithstanding.

Resolved, That a certain lot of land, lying in *Bridgewater* aforesaid, containing eight acres, bounded easterly on the said thirty acre lot; northerly on a river; westerly on *Simeon Leonard's* land; and southerly on *Richard Leonard's* land, be, and hereby is granted and confirmed to *Caleb Edson* and *Josiah Edson*, being the only heirs to the said *Josiah*, first above mentioned, in equal shares, as an absolute estate in fee simple; to them, their heirs and assigns, forever.

XCIV.

Resolve granting £.40 to [the Clerk of the Senate and House. July 7, 1787.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to *George R. Minot*, Esq; Clerk of the House of Representatives, and to *Mr. Samuel Cooper*; Clerk of the Senate, the sum of forty pounds each, they to be accountable for the sums they shall respectively receive.

XCV.

Resolve on the petition of *Hopestill Foster*, settling the estates mentioned, to him and *Susannah* his wife. July 7, 1787.

Upon the petition of *Hopestill Foster*, praying that certain real estate therein mentioned, may be settled upon his now wife, for and during her natural life, for reasons set forth in his petition:

Resolved, That the prayer of the said petition be so far granted, as that the estates therein mentioned, which are said to have been given to the said *Hopestill*, for his natural life, are hereby settled upon the said *Hopestill* and *Susannah* his wife, for and during their joint lives, and upon the said *Susannah*, so long as she shall continue the said *Hopestill's* widow; in case she survives him, and the estate therein in remainder, shall enure and vest in such person or persons, as are mentioned in the last will and testament of the father of the said *Hopestill*, upon the death of the survivor of them, in such way and manner, as it would have done, had not this resolve have been made. *Provided*,

Provided, That the said *Hopestill* shall proceed to rebuild houses of equal value with those mentioned in the said petition, and shall and do in fact build and finish the same in like manner and so far as the said houses mentioned to be burnt, were built and finished, on or before the first day of *June*, A. D. seventeen hundred and ninety. And

Provided further, That it shall be made to appear to the Judge of Probate of *Suffolk* county, who is hereby authorized and empowered to examine and determine the same, that one-fifth part of all the expence from building and finishing the same houses, shall be paid by some one or more of the relations of the said *Susannah*, being other than said *Hopestill*.

XCVI.

Resolve allowing the county Treasurer's accounts for the county of *Lincoln*, and granting a tax to be assessed on the inhabitants of said county. *July 7, 1787.*

Whereas it appears upon examination of the Treasurer's accounts for the county of *Lincoln*, that they are right cast and well vouched, and that all the monies granted and allowed by the Court of General Sessions of the Peace for the said county, for the year 1782, were for such purposes and appropriations, as by law the said Court were empowered to grant :

Therefore *Resolved*, That the said accounts be accepted and allowed.

And whereas it appears from an estimate of the justices of the said Court, made on the first day of *June*, 1785, that it is necessary that the sum of *six hundred and fifty pounds*, be apportioned and assessed on the inhabitants of the said county, and the estates lying within the same; and collected, paid and applied, for the use of defraying the necessary charges that have already or may arise within said county.

Be it therefore *Resolved*, That the said sum of *six hundred and fifty pounds* be granted, assessed and applied accordingly, and for the purposes aforesaid, according to the law in such case provided.

XCVII.

Resolve on the petition of *Matthew Bridge*, guardian to *John Foye* of *Charlestown*. *July 7, 1787.*

On the petition of *Matthew Bridge*, guardian to *John Foye* of *Charlestown*, a person *non compos mentis*, and by desire of the Selectmen of the town of *Charlestown*, praying that the said guardian may be empowered to make sale of the said *John's* estate, for the purpose of his comfortable support during his natural life: Therefore

Resolved, That the said *Matthew Bridge*, in his said capacity, with the approbation of the Selectmen of the said town of *Charlestown*, be, and he is hereby authorized and empowered to make sale of all the said *John's* real estate, for the express purpose of providing a comfortable support for him, during his natural life, as the Selectmen may approve of: And the said *Matthew Bridge*, in his said capacity, may make and execute good and lawful deed or deeds to the purchaser or purchasers thereof, he giving bonds to the Judge of Probate for the county of *Middlesex*, that the net proceeds shall be applied according to law; and the said sale made as aforesaid, shall be good and valid in law, to all intents and purposes; any law or resolve to the contrary notwithstanding.

XCVIII.

Resolve granting *£. 3 15s. 5d.* to *John Wilson*, for his services. *July 7, 1787.*

On the petition of *John Wilson*, praying that he may be allowed his pay for his service as a soldier in Capt. *John Lane's* company, in the sea-coast service, in the year 1775:

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to *John Wilson*, the sum of *three pounds fifteen shillings and five pence*, in full for his service in Capt. *John Lane's* company, in the sea-coast service in the year 1775.

XCIX.

Resolve granting *39s.* to each of the Committee on accounts. *July 7, 1787.*

Resolved, That there be allowed and paid out of the public Treasury of this Commonwealth, to the honourable *Joseph Hosmer*, *John Carnes* and *Noah Goodman*, Esq's, the sum of *thirty-nine shillings* to each of them, amounting in the whole to the sum of *six pounds, seventeen shillings*, in addition to their pay as members of the General Court; which sum is in full for their services as a Committee to pass on accounts the present session of the General Court.

Resolve

C.

Resolve on the petition of *Hezekiah Fay*, of *Southborough*, in the county of *Worcester*, staying execution till the third Wednesday of the next setting of the General Court. July 7, 1787.

On the petition of *Hezekiah Fay*, of *Southborough*, in the county of *Worcester*, Constable for the year 1780, praying that an execution for the sum of *seventeen pounds nineteen shillings and three pence*, silver money, issued by *Thomas Ivers*, Esq; Treasurer and Receiver General of the said Commonwealth, be discharged, for reasons set forth in the said petition.

Resolved, That the said petition be referred to the next Session of the General Court; and that execution be stayed till the third Wednesday of the same.

CI.

Resolve on the petition of *Theodore Sedgwick*, rendering valid in law seventeen actions commenced in the Court of Common Pleas, in *Berkshire* county. July 7, 1787.

Whereas it appears to this Court, that by means of a report in the county of *Berkshire*, which was believed, that the law, entitled an act for rendering processes in the law less expensive, was repealed, seventeen actions, which were commenced since the first day of *January* last past, and which were commenced on writs issued from the Clerk's Office, are now depending in the Court of Common Pleas, in said county; and whereas considerable expence and loss will accrue to the plaintiffs, in those actions, should no provision be made for rendering valid the processes on which the said actions were commenced: Therefore

Resolved, That the processes aforesaid be, and they hereby are confirmed and rendered valid, to all intents and purposes whatever, and that the proceedings and judgments which have been or may be had in the actions aforesaid, shall have the same operation and effect to all intents and purposes, as if the law aforesaid had never been made, any law to the contrary notwithstanding.

Provided always however, That nothing contained in the foregoing resolution shall have an effect to destroy or invalidate any attachments or conveyances which have since been made, agreeably to the provisions of the law: And provided also, that the costs to be taxed in any of the actions aforesaid, shall be the same as would have been taxed, had the same been commenced in due form of law.

CII.

Resolve on the petition of *John Taylor*, empowering him to bring forward his appeal from a decree of the Judge of Probate, and the Justices of the Supreme Judicial Court to sustain said appeal, at their next term at *Worcester*. July 7, 1787.

On the petition of *John Taylor* of *Douglas*, in the county of *Worcester*; praying for liberty to bring forward an appeal from a decree of the Judge of Probate, which decree was made in *March* last, on the final report of Commissioners of insolvency, upon the estate of *Aaron Willard*, late of *Lunenburg*, deceased, on which estate the said *Taylor* has certain demands.

Resolved, That the prayer of his said petition be granted, and that the said *John Taylor* be, and he hereby is empowered, to bring forward his appeal from the aforesaid decree, and the Justices of the Supreme Judicial Court, at their next term to be holden at *Worcester*, within and for the county of *Worcester*, are to sustain the said appeal, and to proceed thereon in the same manner as they might have done, had the same been claimed within the time limited by law for claiming appeals from a decree of the Judge of Probate: Provided nevertheless, that the said *Taylor*, shall on or before the tenth day of *August* next, give satisfactory bonds to the Judge of Probate for the said county, to prosecute his appeal, and at the same time file in the said office his reasons of appeal, and abide all other forms in the said office, in the same manner as he ought to have done, had he brought his said appeal within the time limited by law.

CIII.

Resolve directing the Secretary to deliver *John Taylor*, Esq; sundry original papers. July 7, 1787.

Resolved,

Resolved, That the Secretary be, and he is hereby directed, to deliver to *John Taylor*, his bonds and other private papers which were committed with the said *Taylor's* petition, praying for liberty to appeal from the decree of the Judge of Probate for the county of *Worcester*.

CIV.

Resolve for employing Mess^{rs} *Adams* and *Nourse*, printers, to print the acts and resolves, and all other printing of government for the present year. *July 7, 1787.*

Whereas *Adams* and *Nourse* have offered to print all the laws and resolves of the General Court the present year, gratis, provided they can have the privilege of performing all other printing for the government the present year :

Resolved, That the said *Adams* and *Nourse* be paid out of the public treasury, the sum of *three shillings* for every square for printing all acts, resolves, proclamations and orders of government, which they may be directed to print in their news-paper ; and that they be employed to perform all the other printing of government, for the present year, provided that the said *Adams* and *Nourse*, print all the acts and resolves of the General Court, gratis, on good paper, with a good type, in as good manner as was done the last year, to be stitched in blue paper, one set of which shall be delivered to each member of the General Court, and to each town and plantation in this Commonwealth ; and the Secretary and Treasurer are hereby directed to govern themselves accordingly :

CV.

Resolve granting the Messenger of the General Court *£.20* to enable him to purchase fuel. *July 7, 1787.*

Resolved, That there be allowed and paid out of the treasury of this Commonwealth to *Jacob Kubn*, Messenger to the General Court, the sum of *twenty pounds*, to enable him to procure fuel, candles, &c. for the use of government, he to be accountable for the expenditure thereof.

CVI.

Resolve suspending a resolve passed the 2d inst. on the petition of *Fotham Busb.* *July 7, 1787.*

Resolved, That the operation of a resolve of the General Court of the 2d day of this present month, for the purpose of paying to *Fotham Busb.* the sum of *one hundred pounds*, be, and the same hereby is suspended until the further order of the General Court, any thing contained in the said resolve to the contrary notwithstanding.

CVII.

Resolve appropriating the revenue arising from Auctioneers, for paying the Clerks in the Secretary Office. *July 7, 1787.*

Resolved, That the revenues arising to this Commonwealth from Auctioneers, be appropriated from the present session of the General Court to the next session thereof, for the purpose of paying the several Clerks in the Secretary's-Office.

CVIII.

Resolve on the petition of *Bakerstown*, and several other towns in the county of *Lincoln*, directing them to choose meet persons in each of said plantations, in the month of *August* next, to take a valuation, &c. and directing the Sheriffs in the mean time to stay executions: *July 7, 1787.*

Resolved, That the plantation called *Bakerstown*, in the county of *Cumberland*, and the plantation called *Wales*, in the county of *Lincoln*, be, and they hereby are severally directed to choose three meet persons in each of the said plantations, in the month of *August* next, who are hereby ordered, after having been sworn faithfully to discharge the trust hereby assigned them, to take a valuation of all the valuable estate of every person in their respective plantations, also the number of polls, agreeably to the schedule, on which the last valuation was taken, and to require the same to be given on oath where they shall judge it necessary, which oath they are hereby empowered to administer ; and the same to return into the Secretary's-Office, on or before the third *Wednesday* in *October* next, in order

order that the General Court may be enabled to make such abatements, as the circumstances of the plantations aforesaid, and the situation of the Commonwealth, may require.

And it is further *Resolved*, That the Sheriffs of the counties of *Cumberland* and *Lincoln* be, and they hereby are directed, in the mean time; to stay the executions they severally may have against the plantations aforesaid: And the Secretary is hereby directed to send a copy of this resolve to each of the plantations therein named, together with a copy of the schedule by which the last valuation was required to be returned.

CIX:

Roll No. 8. July 7, 1787.

The Committee on accounts have examined and passed upon the accounts presented; and report, that the sums set against the names of the towns and persons hereafter named, are due to them; and if allowed, will be in full discharge of the said accounts.

JOSEPH HOSMER, per Order.

To <i>William Segars of Gloucester</i> , for his services and monies advanced as serjeant of the artillery, and taking care of public stores till the 16th of <i>July</i> , 1786, from <i>March</i> 16th, 1784,	£.38 15 0
To <i>Samuel Houston</i> , for his advances for the public, on account of the Light-House at <i>Gloucester</i> , from 1783, to <i>March</i> , 1787, oil not included,	34 4 6
To <i>Doctor Porter</i> , for his care of <i>Aaron Gale</i> , a sick soldier, and medicines last spring, as per bill, and properly certified,	1 9 0
To <i>Doctor Sheldon</i> , for visits and medicines for <i>Capt. Ashley's</i> men last <i>April</i> , as per account examined by a physician; which was the case with the account above,	3 10 0
To <i>Doctor Turner's</i> bill, for services done for <i>Joshua Holbrook</i> , a soldier; last <i>February</i> , by order of <i>General Patterson</i> ,	4 4 0
To the same person for two soldiers in <i>Capt. Blanchard's</i> company, from <i>February</i> 1787, to <i>May</i> 18th,	8 0 0
To the town of <i>Pepperrell</i> , for taking care of the family of <i>James Marsden</i> , consisting of six persons, he being in the late rebellion, and not a native of this country, from <i>March</i> 2d, 1787, to <i>June</i> 2d, 1787,	17 0 0
To the town of <i>Mendon</i> , for supporting <i>James Thomson</i> , one of the State's poor from the 1st of <i>September</i> 1786, to the 1st of <i>March</i> 1787,	8 0 0
To the town of <i>Uxbridge</i> for board, extraordinary trouble, cloathing, &c. on account of <i>Betty Trifle</i> , one of the State's poor, from the 26th of <i>September</i> , 1786, to <i>March</i> 26th, 1787,	15 12 0
To the town of <i>Spencer</i> , for boarding, &c. <i>Robert Griffin</i> , one of the State's poor, from <i>February</i> 1784, to <i>May</i> 23d, 1787,	39 9 7
To the town of <i>Lexington</i> , for boarding <i>Sarah Fowle</i> , one of the poor of <i>Charlestown</i> , an infirm woman, from <i>January</i> 1st, to <i>April</i> 1st,	5 17 0
Also from <i>April</i> 1st to <i>July</i> 1st 1787,	5 17 0
To the town of <i>Southborough</i> , for supplies afforded to <i>Nicholas Hopping</i> , and family, <i>Charlestown</i> poor, from the 1st of <i>April</i> , 1786, to the 1st of <i>April</i> 1787,	4 0 0
To <i>E. Haskell</i> , D. A. General, in <i>General Cobb's</i> division, for his services from the 1st of <i>May</i> 1786, to the 1st of <i>June</i> 1787,	18 0 0
To <i>Samuel Henshaw</i> , Esq; for his services in numbering and signing consolidated Notes, the accounts attested by the Treasurer,	39 12 0
To <i>Doctor Abijah Cbeever</i> for visits and medicines on account of <i>Robert Wiley</i> , a State's poor, from <i>December</i> 17th 1786; to <i>March</i> 24th 1787,	23 12 0
To the estate of <i>Thomas Ivers</i> , Esq; for paper purchased of <i>Mr. Jonathan Amory</i> , from <i>March</i> 12th 1786, to <i>October</i> 9th 1786, which paper was paid for by the <i>Rev. Mr. Samuel Parker</i> , one of the executors,	7 10 0
	£. 274 12 1

Read and accepted, and the thereupon, *Resolved*, That his Excellency the Governour, with the advice of Council, be, and hereby is requested, to issue his warrant on the Treasury for the payment of the several persons borne on this roll, the sums set against their names respectively, amounting in the whole to two hundred seventy four pounds, twelve shillings, and one penny.

CX.

Resolve for expediting the collection of back taxes, empowering the Treasurer to issue alias-executions against Constables and Collectors. July 7, 1787.

Whereas by a resolve passed the 6th day of July, A. D. 1786, the Treasurer of this Commonwealth, was directed not to issue alias executions, against any Constables or Collectors of the first moiety of the Continental tax, granted in the year 1782, or any tax granted before that period, after a time limited by the said resolve, unless by direction of the Governour and Council. And whereas by reason of the opposition to law and justice, in the late rebellion, the Sheriffs of several counties have not been able to compleat the collection of the taxes aforesaid :

Resolved, That the Treasurer of this Commonwealth be, and he is hereby impowered and directed, to issue alias executions against all Constables and Collectors of taxes against whom executions have been issued, in consequence of the aforesaid resolve ; any thing therein contained to the contrary notwithstanding.

And it is further *Resolved*, That the said Treasurer is hereby directed, immediately to issue his executions against deficient Constables and Collectors of all the taxes granted prior to July 9, 1784. And if any Sheriff to whom executions may be directed, in consequence of the foregoing resolves, shall neglect to return the same within the time limited by law, or shall return such executions in part satisfied, the said Treasurer is hereby directed, forthwith to issue an execution against the estate of such Sheriff, directed to a Coroner of the same county, for the whole sum due on the executions against such deficient Constables or Collectors, that the said execution may be levied and collected according to law.

And it is further *Resolved*, That the several Constables and Collectors of the tax granted in March, 1786, be, and they are hereby impowered and directed, to continue receiving army notes and indents or certificates, agreeably to the provision made in the said tax-act ; any law or resolve to the contrary notwithstanding ; and the Treasurer is hereby directed to govern himself accordingly. And he is hereby further directed, to issue his executions against all the Constables and Collectors of the last mentioned tax, and of the tax granted July the ninth, in the year of our Lord, one thousand seven hundred and eighty-four, who shall not on or before the first day of November next, compleat the whole sum or sums committed to them respectively to collect.

And it is further *Resolved*, That the Collectors of paper money taxes, prior to the new emission money tax, granted in 1781, be, and they are hereby impowered and directed, to receive the specie value thereof, agreeably to the scale of depreciation, in the consolidated notes of this Commonwealth ; and the Treasurer is directed to receive such notes in discharge thereof accordingly.

And it is further *Resolved*, That all orders which have been, or hereafter shall be drawn by the Treasurer of this Commonwealth, upon tax No. 1, No. 2, or No. 3, may, and shall be received in payment of either of the said taxes indiscriminately.

And it is further *Resolved*, That the several Sheriffs, to whom executions may be committed agreeably to the foregoing resolution, are hereby directed, to receive in payment, for any kind of property taken by distress from Constables or Collectors, and sold by virtue of the said executions, any orders, notes, or certificates that will discharge the tax, for which the said property was taken ; and all Constables and Collectors, are hereby directed to observe the same rule in receiving payment for any property taken by distress from any person or persons named in the rate list, and sold for the discharge of taxes committed them to collect.

Provided however, That in all instances where any Collector of taxes has advanced to the Treasurer of this Commonwealth, a sum in specie over and above the collections he has made on his rate list, and shall so make it appear to the Assessors of the said tax, he may proceed to distrain, and dispose of property to the amount of the said sum, in specie, in manner as heretofore practiced ; the foregoing resolve notwithstanding.

And be it further *Resolved*, That all orders drawn on the specie part of tax No. 5, may and shall be received of any person against whom the Collector may have a demand for the specie, in full payment and discharge of his or her part or proportion of the said specie, in manner aforesaid.

CXI.

Resolve on the petition of *Jared Ingersol* and others, administrators on the estate of Col. *John Brown*, late of *Pittsfield*, granting £.41 10s. for the losses sustained. July 7. 1787.

On the petition of *Jared Ingersol* and others, administrators on the estate of Col. *John Brown*, late of *Pittsfield*, deceased.

Resolved, for reasons mentioned in the said petitions, that there be paid out of the Treasury of this Commonwealth, to *Jared Ingersol* and others, administrators aforesaid, the sum of *forty-one pounds, ten shillings*, in full for the losses sustained, they to be accountable therefor, to the Judge of Probate for the county of *Berkshire*.

CXII.

Resolve establishing the pay of the Committee for methodizing accounts, and the Messenger to the Governour and Council, and discharging the Clerk at the Treasurer's office, for consolidating government securities. July 7, 1787.

Resolved, That the pay of the Committee for methodizing the public accounts shall be for the future, the sum of *ten shillings* per day, for each Member of the said Committee, and that the pay of the Messenger to the Governour and Council shall be for the future the sum of *seven shillings* per day.

And whereas it appears that the Clerk at the Treasurer's office for consolidating government securities, is at present useless, it is therefore further *Resolved*, That the said Clerk be discharged.

CXIII.

Resolve authorizing the Committee for methodizing accounts, to call on all persons to whom public monies or public stores have been committed, and calling on all towns to forward a particular account of all bounties, and directing the Secretary, Treasurer and Commissary, to furnish them with vouchers for the payment of monies or supplies. July 7, 1787.

On the memorial of *John Deming* and *Peter Boyer*, committee for settling the claims of this Commonwealth, against the United States;

Resolved, That the committee aforesaid are hereby authorized and directed to call on all persons, to whom public monies or public stores have been committed, and who have not accounted, to bring in their vouchers for the expenditure of the same, and compleat their settlement within three months from the date of this resolve—and if such persons do not compleat the settlement within that time, the committee aforesaid are hereby directed to furnish the Attorney-General with a copy of the accounts of such public defaulters; and the Attorney-General is hereby directed to prosecute them without delay.

And it is further *Resolved*, That the said committee are hereby authorized and directed, to call on the Selectmen of the several towns in this Commonwealth, who have not already so done, to forward to them a particular account of all bounties for raising men for the continental army or the militia called into service during the late war, made either by towns, classes, or individuals; and the Selectmen of the several towns in this Commonwealth, are hereby required to furnish the said accounts within three months from the date of this resolve, to the committee aforesaid, accompanied with proper vouchers, and if such vouchers cannot be obtained, the Selectmen are directed to produce the best evidence they can procure in order to support the several payments.

And it is further *Resolved*, That the Secretary, Treasurer, and Commissary-General, and also the executor or executors of the late Treasurer *Iwers*, and all others possessed of vouchers necessary for the settlement of the public accounts, be directed to furnish the said committee, with all vouchers for the payment of monies, or supplies by this Commonwealth, on account of the United States, that may be in their respective offices.

And it is further *Resolved*, That the committee aforesaid be empowered (if they find it necessary) to employ one or more clerks in addition to the one now in their office—and that the Secretary be directed to print this resolve in *Adams* and *Nourse's* paper.

CXIV.

Resolve prohibiting any prosecutions against any persons for sedition or seditious practices, from the 1st of *June* 1786, to the 13th of *June* last. *July 7, 1787.*

Resolved, That until the end of the next Sessions of the General Court, there shall be no prosecution by indictment, commenced, had, or further proceeded on against any person or persons, citizens of this Commonwealth, for sedition, or seditious practices, which shall have been committed within this Commonwealth, at any time from the first day of *June* 1786, to the thirteenth day of *June* last past.

CXV.

Resolve allowing the accounts of the county Treasurer for the county of *Essex*, and granting a tax to be assessed on the inhabitants in said county. *July 7, 1787.*

Whereas it appears upon examination of the settlement of accounts between the General Sessions of the Peace, for the county of *Essex*, and the Treasurer of the said county, on *April* the 15th, 1787, that all the money granted and allowed by the said Court of General Sessions of the Peace for the year past, were for such purposes and appropriations, as by law the said Court were empowered to grant: Therefore,

Resolved, That the said accounts be accepted and allowed.

And whereas it appears from an estimate of the Justices of the said Court, made at their Sessions on the first Tuesday of *April* 1787, that the sum of *six hundred, and thirty pounds*, will be necessary for defraying the charges of the said county, for one year next ensuing:

Therefore, *Resolved*, That there be, and hereby is granted a tax of *six hundred, and thirty pounds*, to be apportioned on the polls and estates of the inhabitants of the said county of *Essex*, and assessed, collected, and applied according to the laws of this Commonwealth.

CXVI.

Resolve upon the petition of *Joseph Greenough*, directing the Collector to deliver the hats mentioned. *July 7, 1787.*

Upon the petition of *Joseph Greenough*, shewing that he had ordered from *London*, a quantity of hats of various kinds, before the late act, prohibiting the importation of that commodity; that not being able to countermand the said orders seasonably, the said hats are arrived, and are now in the custody of the Collector of Impost and Excise for the county of *Suffolk*, and praying that the said hats may be delivered to him upon his paying the full duties on the importation of hats, at the time of passing the said prohibition:

Resolved, That the said Collector be, and he is hereby directed, to deliver to the said *Joseph Greenough* the said hats, upon his paying the duties aforesaid, together with the charges that have already accrued, any act or resolution to the contrary notwithstanding.

CXVII.

Resolve establishing the pay of the troops ordered to be raised by a resolve of the 13th inst. agreeably to the provision made by the resolves of the 6th and 25th of *February* last, and allowing the same rations, and how paid. *July 7, 1787.*

Resolved, That the pay of the commissioned officers, non-commissioned officers and privates, ordered to be raised by the resolve of the 13th inst. be the same as was provided by the resolves of the 6th and 25th of *February* last, for the troops, then in the service of this Commonwealth: And that the same rations be allowed as by the last establishment of the continental army, and that the said officers and privates be paid out of the first monies that shall come into the treasury from that part of the Impost and Excise appropriated for the use of government; and from that part of the specie tax granted in *March* 1786, and appropriated for the use of government, or from any additional impost and Excise, or any future tax that is not already appropriated.

Provided always, That the said payments be not made out of any monies heretofore appropriated by government to other uses.

The following should have been inserted among the resolves of the General Court, passed in February last, but was accidentally omitted.

THE Committee of both Houses appointed to consider the Governour's message of the 13th inst. relative to the settlement of a controversy between this Commonwealth and *New-York*, respecting lands lying to the westward of *Hudson's-River*, made by the Commissioners appointed for that purpose, together with the papers accompanying have attended that service.

Your Committee have examined the agreement entered into and signed by the said Commissioners, and the plan descriptive of the lands in question, and find, that the right of this Commonwealth, to a large tract of land containing many millions of acres, is by the said agreement clearly established.

That this controversy, which has been long in its duration; intricate in its nature, as well as important in its consequences, has been conducted, and finally closed, in an amicable manner, and by mutual agreement, is a pleasing circumstance, and will, we trust, contribute to cherish and maintain friendship and harmony between this, and our sister State: And the Commissioners on our part, in conducting this important business, are, in the opinion of your Committee, justly entitled to the approbation of the General Court.

Your Committee apprehend it necessary that the agreement above referred to, be printed with the resolves of the present session, and also recorded, with the commission from Governour *Clinton*, in the Secretary's office, and there lodged, together with the afore-mentioned plan; and that it will be expedient hereafter, to appoint a Superintendent, as well to superintend the purchase of Indian rights, as to investigate the situation, quality, value and contents of said lands, and to give information to the General Court from time to time respecting the same. The resolve relative to the release of certain lands included in the aforesaid agreement, your Committee have not considered, as they found that *Samuel Brown* had preferred a petition to the General Court, on the subject matter of it.

As the running and ascertaining the line of jurisdiction, between this State and *New-York*, is not completed, as appears by the letter of Doctor *Samuel Williams*, accompanying the said message, and the powers given to the Commissioners appointed by Congress, relative thereto, will expire on the 7th of *March* next, we conceive it expedient, that a bill be brought in for extending their powers to a further time.—All which is submitted.

C O T T O N T U E T S, per order.

Read and accepted:

To all to whom these Presents shall come,

The underwritten *John Lowell, James Sullivan, Theophilus Parsons, and Rufus King*, Agents or Commissioners appointed by the Commonwealth of *Massachusetts*, of the one part, and the underwritten *James Duane, Robert R. Livingston, Robert Yates, John Har- ing, Melancton Smith, and Egbert Benson*, six of the Agents or Commissioners appointed by the State of *New-York*, of the other part;

S E N D G R E E T I N G :

WHEREAS the Commonwealth of *Massachusetts*, did, heretofore present a petition to the United States in Congress assembled, thereby among other things, stating, that all that territory which in the said petition is described as all that part of *New-Eng- land* in *America*, which lieth and extendeth between a great river, called *Merrimac*, and a certain other river there, called *Charles-River*, being the bottom of a bay there called *Massachusetts-Bay*; and also, all those lands lying within three English miles to the south- ward of the southernmost part of the said bay, and extending thence northward in lati- tude to northward of every part of the said river *Merrimac*, and in breadth of latitude aforesaid, extending throughout all the main land, in longitude westwardly to the southern ocean, was the just and proper right of the said Commonwealth, and farther stating, That the State of *New-York* had set up a claim to some part of the land before- mentioned, the said Commonwealth did, therefore, by the said petition, solemnly request of the United States in Congress, that Commissioners might be appointed for enquiring into and determining upon the claim aforesaid, of the Legislature of the said Common-
wealth,

wealth, and that such other proceedings respecting the premises, might be had as are by the federal government of the said United States, in such case made and provided, as by the said petition filed among the archives of the United States, reference being thereunto had, may more fully appear : And whereas, the State of *New-York* doth, in opposition to the said claim of the Commonwealth of *Massachusetts*, claim as the just and proper right of the said State, as well in respect of property, as jurisdiction, all those lands and territories bounded on the north, by the parallel of latitude passing through the said point, place or boundary aforesaid, of three miles to the northward of every part of the said river *Merrimack*, and bounded on the south, by the parallel of latitude passing through the said point or place, situate three miles south of the southermost part of the said bay, called *Massachusetts-Bay*, bounded on the west by the limits between the United States and the King of *Great-Britain*, and the line of cession from the State of *New-York*, to the United States, and bounded on the east by the line agreed on, and established between the late colony of the *Massachusetts-Bay*, and the late colony of *New-York*, in the year one thousand seven hundred and seventy-three, and from the northern termination of the said line then bounded on the east by the west bank of *Connecticut-River* : And whereas, the State of *New-York* having been duly notified, did appear by their lawful agents to vindicate such their said right against the said claim of the said Commonwealth ; and proceedings were thereupon had in Congress, pursuant to the articles of confederation, in order to the appointment of Commissioners or Judges to constitute a Court for hearing and determining the said matters in question : And whereas, the said *John Lowell*, *James Sullivan*, *Theophilus Parsons* and *Rufus King*, were afterwards, by a certain commission under the seal of the said Commonwealth, and bearing date the twenty-sixth day of *April*, in the ninth year of the independence of the United States, and made in pursuance of an act of the Legislature of the said Commonwealth, passed the fourteenth day of *March*, in the eighth year of the independence of the United States, and of a resolution of the said Legislature, passed the eighteenth day of the said month of *March*—commissioned to be Agents to manage, conduct and prosecute the claims of the said Commonwealth, to the lands described in the said petition : And whereas, afterwards and pending such proceedings in Congress, the Legislature of the Commonwealth of *Massachusetts*, did, by an act entitled an act empowering the Agents appointed by their government to defend the territory on the west side of *Hudson's-River*, against the claims of the State of *New-York*, to settle the controversy relative thereto, otherwise than by a federal Court, if they shall judge it expedient, enact, That the major part of the said Agents or Commissioners should be fully authorized and empowered to agree with the Agents or Commissioners of the State of *New-York*, and settle the controversy respecting the territory aforesaid, by a federal Court as appointed by virtue of the confederation, or otherwise in such way and manner as they should judge would comport with justice and the interest of the said Commonwealth ; and the Legislature of the State of *New-York*, did, by an act entitled, “ An act supplementary to the act entitled an act to appoint Agents or Commissioners for vindicating the right and jurisdiction of this State against the claims of the Commonwealth of *Massachusetts*, pursuant to the articles of confederation and perpetual union of the United States,” among other things enact, that it should be lawful for the said *James Duane*, *Robert R. Livingston*, *Egbert Benson*, *John Haring*, *Melancton Smith*, and *Robert Yates*, and also, *John Lansing*, jun. or any five or more of them, to settle the said controversy between the said State of *New-York*, and the said Commonwealth of *Massachusetts*, otherwise than by the said federal Court, in such manner as they should judge most conducive to the interest of the said State, as by the said commission and the said several acts relation being thereunto had may appear.

Now therefore know ye, That the underwritten Commissioners on the part of the Commonwealth of *Massachusetts* and the State of *New-York* respectively, having by mutual consent assembled at the city of *Hartford* in the State of *Connecticut*, on the thirtieth day of *November* last, in order to the due execution of their respective trusts, and having duly exchanged and considered their respective powers, and declared the same legal and sufficient after several conferences, and to the end that all interfering claims and controversies between the said Commonwealth of *Massachusetts* and the said State of *New-York*, as well in respect of jurisdiction as property, may be finally settled and extinguished, and peace and harmony forever established between them on the most solid foundation—HAVE AGREED, and by these Presents, do mutually for and in behalf of the said Commonwealth of *Massachusetts* and the said State of *New-York*, by whom respectively

they the said Commissioners have been so appointed and authorized as aforesaid, agree to the mutual cessions, grants, releases and other provisions following, that is to say,

First. The Commonwealth of *Massachusetts* doth hereby cede, grant, release and confirm to the State of *New-York* forever, all the claim, right and title which the Commonwealth of *Massachusetts* hath to the government, sovereignty, and jurisdiction of the lands and territories so claimed by the State of *New-York*, as herein before stated and particularly specified.

Secondly. The State of *New-York* doth hereby cede, grant, release and confirm to the Commonwealth of *Massachusetts*, and to the use of the Commonwealth, their grantees, and the heirs and assigns of such grantees forever, the right of pre-emption of the soil from the native Indians, and all other the estate, right, title and property, (the right and title of government, sovereignty and jurisdiction excepted) which the State of *New-York*, hath of, in, or to two hundred and thirty thousand and four hundred acres, to be located by the Commonwealth of *Massachusetts*, and to be situate to the northward of, and adjoining to the lands granted respectively to *Daniel Cox* and *Robert Lettice Hooper*, and their respective associates, and between the rivers *Owega* and *Chenengo*. And also, of, in or to all the lands and territories within the following limits and bounds, that is to say : Beginning in the north boundary line of the State of *Pennsylvania*, in the parrallel of forty-two degrees of north latitude, at a point distant eighty-two miles west from the north-east corner of the State of *Pennsylvania*, on *Delaware-River*, as the said boundary-line hath been run and marked by the Commissioners appointed by the States of *Pennsylvania* and *New-York* respectively, and from the said point or place of beginning, running on a due meridian north to the boundary line between the United States of *America*, and the King of *Great-Britain* ; thence westerly and southerly along the said boundary line, to a meridian which will pass one mile due east from the northern termination of the Streight or waters between *Lake-Ontario* and *Lake-Erie* ; thence south along the said meridian, to the south shore of *Lake Ontario* ; thence on the eastern side of the said Streight, by a line always one mile distant from and parrallel to the said Streight, to *Lake-Erie* ; thence due west to the boundary line between the United States and the King of *Great-Britain* ; thence along the said boundary line, until it meets with the line of cession from the State of *New-York* to the United States ; thence along the said line of cession, to the northwest corner of the State of *Pennsylvania* ; and thence east along the northern boundary line of the State of *Pennsylvania* to the said place of beginning : And which said lands and territories so ceded, granted, released and confirmed, are parcel of the lands and territories described in the said petition.

Thirdly. The Commonwealth of *Massachusetts* doth hereby cede, grant release and confirm to the State of *New-York*, and to the use of the State of *New-York*, their grantees and the heirs and assigns of such grantees forever, the right of pre-emption of the soil from the native Indians, and all other the estate, right, title and property, which the Commonwealth of *Massachusetts* hath of, in or to the residue of the lands and territories so claimed by the State of *New-York* as herein before stated, and particularly specified.

Fourthly. That the lands so ceded, granted, released and confirmed to the Commonwealth of *Massachusetts*, or such part thereof as shall from time time be and remain the property of the Commonwealth of *Massachusetts*, shall during the time that the same shall so be and remain such property, be free and exempt from all taxes whatsoever, and that no general or State tax shall be charged on, or collected from the lands hereafter to be granted by the Commonwealth of *Massachusetts*, or on the occupants or proprietors of such lands, until fifteen years after such confirmation, as is herein after mentioned, of such grants, shall have expired ; but that the lands so to be granted, and the occupants thereof, shall, during the said period, be subject to town or county charges or taxes only ; provided, That this exemption from general or State taxes, shall not be construed to extend to such duties, excises or imposts, to which the other inhabitants of the State of *New-York*, shall be subject and liable.

Fifthly. That no rents or services shall be reserved in any grants to be made of the said lands by the Commonwealth of *Massachusetts*.

Sixthly. That the inhabitants on the said lands and territories, being citizens of any of the United States, holding by grants from the Commonwealth of *Massachusetts*, shall be entitled to equal rights with the other citizens of the State of *New-York* ; and further, that the citizens of the Commonwealth of *Massachusetts* shall, from time to time, and at all times hereafter, have and enjoy the same and equal rights, respecting the na-

vigation and fishery on and in *Lake Ontario* and *Lake Erie*, and the waters communicating from the one to the other of the said lakes, and respecting the roads and portages between the said lakes, as shall from time to time be had and enjoyed by the citizens of the State of *New-York*; and the citizens of the Commonwealth of *Massachusetts* shall not be subject to any other regulations, or greater tolls or duties to be made or imposed from time to time by the State of *New-York*, respecting the premises, than the citizens of the State of *New-York* shall be subject to.

Seventhly, That no adverse possession of the said lands for any length of time, shall be adjudged a disseizen of the Commonwealth of *Massachusetts*.

Eighthly, That the State of *New-York*, so long as any part of the said lands shall be, and remain the property of the Commonwealth of *Massachusetts*, shall not cede, relinquish or in any manner divest themselves of the government and jurisdiction of the said lands or any part thereof, without the consent of the Commonwealth of *Massachusetts*.

Ninthly. That the Commonwealth of *Massachusetts* may from time to time, by persons to be by them authorized for the purpose, hold treaties and conferences with the native Indians, relative to the property or right of soil of the said lands and territories hereby ceded, granted, released and confirmed to the Commonwealth of *Massachusetts*, and with such armed force as they shall deem necessary for the more effectual holding such treaty or conference; and the Commonwealth of *Massachusetts*, within six months after such treaties shall respectively be made, shall cause copies thereof to be deposited in the office of the Secretary of the State of *New-York*.

Tenthly. The Commonwealth of *Massachusetts* may grant the right of pre-emption of the whole or of any part of the said lands and territories to any person or persons, who by virtue of such grant, shall have good right to extinguish by purchase, the claims of the native Indians: *Provided*, however, that no purchase from the native Indians by any such grantee or grantees, shall be valid, unless the same shall be made in the presence of, and approved by a superintendent to be appointed for such purpose by the Commonwealth of *Massachusetts*, and having no interest in such purchase; and unless such purchase shall be confirmed by the Commonwealth of *Massachusetts*.

Eleventhly. That the grantees of the said lands and territories under the Commonwealth of *Massachusetts*, shall within six months after the confirmation of their respective grants, cause such grants or the confirmation thereof, or copies of such grants or confirmations certified or exemplified under the seal of the Commonwealth of *Massachusetts*, to be deposited in the said office of the Secretary of the State of *New-York*, to the end that the same may be recorded there, and after the same shall have been so recorded, the grantees shall be entitled to receive again from the said Secretary their respective grants or confirmations, or the copies thereof which soever may have been so deposited, without any charges or fees of office whatsoever, and every grant or confirmation which shall not, or of which shall not be so deposited, shall be adjudged void.

IN TESTIMONY WHEREOF, the said *John Lowell*, *James Sullivan*, *Theophilus Parsons* and *Rufus King*, for and in the name and behalf of the said Commonwealth of *Massachusetts*; and the said *James Duane*, *Robert R. Livingston*, *Robert Yates*, *John Haring*, *Melancton Smith* and *Egbert Benson*, for and in the name and on behalf of the said State of *New-York*, have to these presents, and a duplicate thereof, both indented, interchangeably set their hands, and affixed their seals; done at the city of *Hartford* aforesaid, the sixteenth day of *December*, in the year of our Lord one thousand seven hundred and eighty-six, and the eleventh year of the Independence of the United States of *America*.

John Lowell, (L. S.)

James Sullivan, (L. S.)

Theophilus Parsons, (L. S.)

Rufus King, (L. S.)

James Duane, (L. S.)

Robert R. Livingston, (L. S.)

Robert Yates, (L. S.)

John Haring, (L. S.)

Melancton Smith, (L. S.)

Egbert Benson, (L. S.)

Witnesses present at the sealing and delivery; *George Wyllis*, *Thomas Seymour*, *Jesse Root*, *Jeremiah Wadsworth*, *D. Humphreys*, *William Inlay*, *Joseph Webb*, *Simeon de Witt*, *Lewis de Boys*, *Nathaniel Bethune*.

R E S O L V E S
OF THE
G E N E R A L C O U R T
OF THE
C O M M O N W E A L T H
O F
M A S S A C H U S E T T S :

Together with the SPEECH and MESSAGES of his Excellency the Governour to the said Court :

Begun and held at *Boston*, in the County of *Suffolk*, on Wednesday the 30th Day of *May*, Anno Domini, 1787 ; and from thence continued by Adjournment, to Wednesday, the seventeenth Day of *October* following.

Thursday the 18th *October*, His Excellency the Governour went to the State-House, where, in presence of the two Branches of the Legislature, who had met in the Representatives Chamber for the purpose, he addressed them in a SPEECH, as follows :

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I HAVE directed the Secretary to lay before you several letters which I have received in the recess of the Court ; among them you will observe a letter from His Excellency the Governour of *New-York*, wherein he expresses his apprehension of a wicked combination entered into by a number of persons; with an intention to deprive this Commonwealth, and that State, of the lands which have been lately the subject of a compact between them. I need not enlarge on this subject, as it will appear to you that the pretensions of these people are rather an insult upon this government, than an apology for their conduct. I have no doubt of your immediate attention to a subject, by which the interest and honour of the Commonwealth are so much affected.

The General Convention having completed the business of their appointment, and having reported to Congress, "A Constitution for the United States of *America*," I have received the same from that Honourable Body, and have directed the Secretary to lay it, together with the letter accompanying it, before the Legislature, that measures may be adopted for calling a Convention in this Commonwealth, to take the same into consideration. It not being within the duties of my office to decide upon this momentous affair, I shall only say, that the characters of the Gentlemen who have compiled this system, are so truly respectable, and the object of their deliberations so vastly important, that I conceive every mark of attention will be paid to the report. Their unanimity in deciding those questions wherein the general prosperity of the nation is so deeply involved, and the complicated rights of each separate State

State are so intimately concerned, is very remarkable; and I persuade myself that the Delegates of this State when assembled in Convention, will be able to discern that, which will tend to the future happiness and security of all the people in this extensive country.

By a resolve of the Legislature of the thirteenth of *June* last, the Governor was requested to raise a body of troops, of not less than five hundred nor more than eight hundred men, as the publick exigency, in his opinion, should require, to be stationed in the counties of *Hampshire* and *Berkshire*, and to be continued in service for the space of six months, unless sooner discharged, in the whole or in part by the Governour with advice of Council. In pursuance of that resolve, I issued orders for raising five hundred men, rank and file, and appointed Lieutenant-Colonel *Lyman* to the command of them. But the recruits never amounted to more than two hundred and fifty; which were, as the event shews, fully adequate to the business for which they were raised.

Soon after the General Court were adjourned, the intelligence from those counties indicated a military force to be unnecessary: But as you had, by your act of the twenty-ninth of *June*, requested me to write to the Governours of other States, for leave to march troops into their territories, if it should be found necessary to pursue any number of men collected there, for the purpose of annoying this Commonwealth; there would have been an impropriety in disbanding the troops immediately upon writing letters in consequence of that request; they were therefore continued in service until the thirteenth of *September*, when, by the unanimous advice of the Council, I gave orders for disbanding them.

But as some persons, who were under charge for taking an active part in the late commotions; were confined in the jail of the county of *Berkshire*, with advice of Council, I gave orders to Major-General *Patterson* to afford such guard to the prison, by drafts from the militia, as the Sheriff of that County should find to be necessary.

I have the pleasure to congratulate you, gentlemen, on the return of peace and good order thus far; and while I sincerely lament those insurrections, which have greatly injured the interest and character of our country, I am persuaded you will join with me in the sentiment, that this unhappy occurrence cannot be considered as a certain mark of the indisposition of the people to good order and government. Similar insurrections are found in the history of all countries; and although in this State, where no tax can be levied or law made, but by the consent of the immediate Representatives of the people, and where every grievance can be redressed in a constitutional way, they are inexcusable; yet from my knowledge of the great degree of intelligence, which our fellow citizens at large possess, I am obliged to believe, that a sense of their own reputation, and the regard they have to their own interest and happiness, will produce a due subordination to government, and a regular obedience to the laws, without a further application to military force.

The Legislature having, by their act of the thirteenth of *June*, indemnified from criminal prosecution all the persons concerned in the late commotions, excepting those convicted of crimes, and nine others specially named in the act; the Supreme Executive, on similar sentiments, conceived that a pardon to *Jason Parmenter*, *Henry M'Culloch*, *Henry Gale*, and *Job Shattuck*, who were then under sentence of death for treason, might be granted consistently with the dignity and safety of the government, and that such a measure would have a tendency to restore the publick tranquility, to conciliate the affections of the people, and to establish peace in the state. Accordingly, by and with the advice of Council, on the thirteenth day of *September*, I sealed a pardon for those persons.

As a tax in the course of the year will become necessary, an attention to the mode of taxation may tend to the peace as well as to the prosperity of the Commonwealth. While we were a part of the British empire we necessarily acquired a habit of fixing our attention upon taxes levied from polls and estates

supply the Treasury. This we were then, from the peculiarity of our situation, compelled to : but I earnestly recommend it to your consideration, whether, that, as the wealth and power of the State must depend upon the cultivation of the soil, and the encouragement of the useful arts, it has not become our duty to lessen, as far as we possibly can, the taxes upon polls and estates, and to raise the necessary supplies, in a great measure, by imposts on foreign goods—by excises on luxuries imported—and by taxes on those superfluities which can never be an advantage to the community, unless it be by producing funds to support the publick burdens:

In consequence of an act made in *October 1786*; a mint has been erected for coining cents; and a very considerable quantity of copper coin will soon be ready for circulation. I wish your attention to the subject, and that a law may be made to prevent the daily frauds and impositions arising from the circulation of foreign copper coin in this Commonwealth.

I have not gone minutely into all the communications which are necessary to be made; but shall by particular messages make such as may be for the public interest; and shall be very ready to unite with you in all measures tending to a proper regulation of our finances, the promoting of virtue and knowledge, to the establishing of good order and government, securing the liberties and increasing the happiness of the United States in general, and those of this Commonwealth in particular.

J O H N H A N C O C K.

COUNCIL-CHAMBER; *October 17, 1787:*

II.

Resolve on the petition of *Joseph Aaron*, an Indian, native of *Grafton*, empowering the Trustees to sell the lands mentioned. *October 19, 1787.*

On the petition of *Joseph Aaron*, an Indian, native of the town of *Grafton*, praying for liberty to sell four acres of land, to enable him to pay his just debts, for reasons set forth in the said petition :

Resolved, That the prayer thereof be granted, and that the Trustees of the said *Grafton*, Indians, be, and they are hereby empowered to sell the four acres of land, mentioned in the petition, belonging to the said *Joseph Aaron*; and to give a good deed or deeds thereof, they observing the rules prescribed by law, for the sale of lands belonging to the Indians, and that the proceeds arising by such sale, be applied by the said Trustees to the discharge of the said *Joseph Aaron's* just debts.

III.

Resolve on the petition of *James Swan*, to notify the adverse party to shew cause, &c. *October 19, 1787.*

Upon the petition of *James Swan*, of *Dorchester*, praying that an appeal be granted him from the judgement of *Thomas Crafts*, Esq. which was rendered in favour of *Emanuel Elam* :

Resolved, That the said petitioner serve the adverse party with a copy of the said petition, and this resolve thereon, twenty days preceding the second Wednesday of the next sessions of the General Court, to appear, if he see fit, to shew cause why the prayer of the said petition should not be granted, and in the mean time that execution be stayed.

IV.

Resolve on the petition of *Charles Furbush*, directing the Sheriff of the county of *Essex*, to stay the execution mentioned, upon condition. *October 22, 1787.*

Upon the petition of *Charles Furbush*, setting forth, that at the Supreme Court holden at *Salem*, in the month of *November, 1779*, he, together with one *Aaron Blanchard*, were recognized as sureties for the appearance of one *Oliver Whiting*, and that the said *Whiting* failed to make appearance, &c. praying for relief as set forth in said petition :

Resolved, That the prayer of the said petition be so far granted, as that the Sheriff of the county of *Essex*, be, and he hereby is directed to stay execution, and not to levy the same, upon condition he, the said *Charles*, shall and does procure good and sufficient sureties

sureties for the payment of *forty pounds*, in consolidated notes, into the treasury of this Commonwealth, and also the sum of *thirteen pounds, four shillings and ten pence*, lawful money, being the costs of Court, into the treasury of the aforesaid county of *Essex*, within twelve months, which payments when made shall be in full satisfaction and discharge of the said execution.

V.

Resolve on the petition of *George Talbot*, granting him, *£. 3 12 4*, out of the proceeds of the estate of *William Birch*, an absentee. *October 23, 1787.*

On the petition of *George Talbot*, praying that he may be allowed the sum of *three pounds twelve shillings and four pence*, out of the estate of *William Birch*, an absentee:

Resolved, That the Treasurer be, and he is hereby directed to pay to *George Talbot*, the sum of *three pounds, twelve shillings and four pence*, out of the proceeds of the estate of *William Birch*, an absentee, the same being in discharge of the said *Talbot's* demand against said estate.

VI.

Resolve granting protection to persons who shall have occasion to attend on business pending before the General Court. *October 23, 1787.*

Resolved, That the right of granting writs of protection to persons who have business pending at the General Court, and whose attendance there, on examination by Committee, or otherwise, appears to be necessary, is a right incident to either house, or both houses of the Legislature, to continue as long, and no longer, than the nature of the business shall require, and that either house has a right to order its Clerk, to issue such writ, in favor of such person, for such reasons, and in the same way as heretofore has been the usual custom, upon proper application.

VII.

Resolve allowing the Naval-Officer, for the port of *Boston*, *£. 300* per annum, and directing the Naval-Officers, in the several sea-ports, to keep an account of their fees, and transmit the same to the Treasurer. *October 23, 1787.*

Whereas from the multiplicity of the business in the naval-office, of the port of *Boston*, the fees received in the said office, may amount to a greater sum than will be sufficient for the maintenance and support of the said Officer:

Resolved, That from and after the passing of this resolve, there be allowed to the Naval-Officer, for the port of *Boston*, out of the fees received in the said office, the sum of *three hundred pounds* per annum, for his support and the pay of his deputy, and all other expences attending the business of the said office, provided the fees annually received therein, may amount to the said sum, and the residue if any there be, shall be paid into the public treasury; any law or resolve to the contrary notwithstanding.

And it is further *Resolved*, That the Naval-Officers within this Commonwealth be, and they hereby are directed to keep an exact account of the fees annually received in their respective offices and transmit the same, under oath, once a year, to the Treasurer of this Commonwealth.

VIII.

Resolve on the petition of *Jonathan Wood*, empowering two Justices to grant him a licence to keep tavern. *October 24, 1787.*

On the petition of *Jonathan Wood*, who was not licenced as an innholder, at the last Court of General Sessions, in the county of *Essex*, by reason that his certificate from the Collector of Excise by some accident was mislaid, and as the said certificate has been since found:

Resolved, That any two Justices of the Peace in the same county, quorum unus, be, and they hereby are empowered and directed to grant a licence to the petitioner, agreeable to the prayer of his petition, until the next Court of General Sessions in said county for granting licences, he observing and complying with the laws of this Commonwealth, relative to innholders.

Resolve

IX.

Resolve recommending to the people to choose delegates for the Convention, to meet at the State-House in *Boston*, the second Wednesday in *January* next, agreeably to a resolution of Congress, &c. *October 25, 1787.*

Whereas the Convention lately assembled at *Philadelphia*, have reported to Congress a constitution for the United States of *America*, in which Convention were represented the States of *New-Hampshire, Massachusetts, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina* and *Georgia*, which constitution was unanimously approved of by the said States in Convention assembled: And whereas that Convention resolved, that the said constitution should be laid before the United States in Congress assembled, and that it was their opinion that it should be submitted to a Convention of delegates chosen in each State by the people thereof, under the recommendation of its Legislature, for their assent and ratification; and that each Convention assenting to and ratifying the same, should give notice thereof to the United States in Congress assembled.

And whereas the United States in Congress assembled, by their resolution of the 28th of *September* last, unanimously resolved, that the Constitution so reported, be transmitted to the several Legislatures, in order to be submitted to a Convention of delegates chosen in each State by the people thereof, in conformity to the resolves of the said Convention, in that case made and provided; and whereas the said constitution has been transmitted to the Legislature of this Commonwealth accordingly:

It is therefore *Resolved*, That it be, and it is hereby recommended to the people of this Commonwealth, that a Convention of delegates be chosen, agreeably to, and for the purposes mentioned in the resolution of Congress aforesaid, to meet at the State-House in *Boston*, on the second Wednesday of *January* next, and that the constitution so reported, be submitted to the said Convention, for their assent and ratification; and that the said Convention assenting to and ratifying the same, give notice thereof to the United States in Congress assembled, in conformity to the resolves of the said Convention, in that case made and provided.

And it is further *Resolved*, That the selectmen of the several towns and districts within this Commonwealth, be, and they are hereby directed, to convene as soon as may be, the inhabitants of their several towns and districts, qualified by law to vote in the election of representatives, for the purpose of choosing delegates to represent them in said Convention.

And to preserve an equality to the people in their representation in the said Convention, that the several towns and districts elect respectively, by ballot, not exceeding the same number of delegates as by law they are entitled to send representatives to the General Court.

And it is further *Resolved*, That the Secretary immediately procure to be printed a sufficient number of copies of these resolutions, as also of the said constitution, with the resolutions of the Convention, and their letter to the President of Congress accompanying the same; and also of the resolution of the United States in Congress assembled, thereupon: And that he transmit three copies of the same, as soon as may be, by express, to the sheriffs of the several counties within this Commonwealth, with positive directions to be by them, or their deputies, without delay, personally delivered to the selectmen of each town and district within their respective counties.

And it is further *Resolved*, That the selectmen, or the major part of the selectmen, of each town or district, shall certify the election of such person or persons as may be appointed by their respective towns or districts, as a delegate or delegates to the Convention aforesaid.

And it is further *Resolved*, That the several delegates of the said Convention, be allowed for their travel and attendance, out of the public treasury, the same pay as will be allowed to the representatives thereof this present session, and that the same be defrayed at the public expence.

And it is further *Resolved*, That his Excellency the Governor be, and he hereby is requested, with advice of Council, to issue his warrant upon the Treasurer, directing him to discharge the pay-roll of the said Convention, out of any monies which will then be in the treasury, not appropriated.

And it is further *Resolved*, That if there shall not be sufficient monies then in the treasury for that purpose, the Treasurer is hereby authorized and directed to borrow sufficient monies therefor on such funds of the government as are not appropriated.

X.

Resolve directing the Treasurer respecting paying officers and soldiers orders. *October 26, 1787.*

Resolved, That the Treasurer be, and he is hereby directed, to pay the orders drawn by officers and soldiers mentioned in a resolve of the General Court, *May 2, 1787*, in the same way and manner he might have done, had they been presented before the twentieth day of *June* last.

XI.

Resolve on the petition of the selectmen of the town of *Cumington*. *October 26, 1787.*

On the petition of the selectmen of the town of *Cumington*, setting forth that when they were only the plantation No. 5, and previously to their incorporation, they had taxes apportioned to them, at various times, to the amount of *three hundred and seventy-seven pounds, ten shillings and two pence two farthings*, and praying an abatement thereof.

Resolved, That the sum of *three hundred and seventy-seven pounds, ten shillings and two pence two farthings*, the whole amount of the taxes aforesaid be, and hereby is remitted to the said town of *Cumington*, and the Treasurer is hereby directed to govern himself accordingly.

XII.

Resolve on the petition of *Joshua Mariam*, granting 12*s*. *October 26, 1787.*

On a petition of *Joshua Mariam* :

Resolved, That there be allowed and paid out of the public Treasury of this Commonwealth, to the said *Joshua Mariam*, the sum of *twelve shillings*, in full for his services as a soldier, in *Col. Lovell's* regiment, his name having been omitted in the muster-roll.

XIII.

Resolve directing the Treasurer to borrow money sufficient to pay the Clerks, in the Secretary's and Treasurer's office ; the Clerk to the Committee for settling public accounts, Clerks of the two Houses, and Messengers, *£.30* each, &c. *October 27, 1787.*

Upon the petition of *William Harris* and others, Clerks in the Secretary's office, and upon the petition of *Joseph Laughton* and others, Clerks in the Treasurer's office, setting forth, that they have received no pay for their services for a long time past, and that their circumstances require the interposition of Government, for their immediate relief.

Resolved, That the Treasurer be, and he hereby is directed, to borrow money upon the faith of this government, sufficient to pay to each of the Clerks, in the Secretary's office, and to each of the Clerks in the Treasurer's office, to the Clerk of the Senate, to the Clerk of the House of Representatives, to the Clerk of the Committee for settling with the army, to the Messenger of the General Court, and the Messenger to the Governour and Council, *one hundred dollars* each, on account of their wages respectively, provided so much be due, and to the Messenger of the General Court, *one hundred dollars*, to enable him to purchase fuel, candles and other necessaries for the two Houses, he to be accountable for the same ; and also to the Messenger to the Governour and Council, *one hundred and eighty dollars*, in consideration of money he has already advanced, for necessaries for the Council Chamber and Secretary's office, and to enable him further to purchase fuel, candles and other necessaries for the use of the Council Chamber and Secretary's office, he to be accountable for the same, all which sums to be repaid, from the first monies which may come into the Treasury, not already appropriated.

XIV.

Order relative to the sustaining the petition of persons, who shall apply for acts of naturalization. *October 29, 1787.*

Ordered,

Ordered, That in future no application or petition from any person or persons praying for an act of naturalization, shall be sustained, unless accompanied by sufficient recommendations, and a certificate setting forth the length of time which such petitioner or petitioners, may have resided within this Commonwealth.

XV.

Resolve on the petition of the selectmen of the town of *Groton*, to chuse a Collector;
October 29, 1787.

On the petition of the selectmen of the town of *Groton*.

Resolved, for reasons set forth in the said petition, That the said town of *Groton*, in the county of *Middlesex*, be empowered to chuse a Collector in the room of *William Farewell*, who was chosen Constable for said town, *A. D. 1781*, and commit to such Collector, the State tax, which was committed to the said *Farewell*, who is hereby empowered and required to collect the same; and the Sheriff of the said county, is hereby ordered to stay execution for said tax, three months from the date of this resolve.

XVI.

Resolve on the petition of *John Tucker*. *October 29, 1787.*

Upon the petition of *John Tucker*, praying for relief against a judgment recovered by *Abiel Wood*, against him, before *Thomas Rice*, Esq.

Resolved, That the said *John Tucker*, notify the said *Abiel Wood* to appear, on the second Wednesday of the next session of the General Court, and shew cause if any he has, why the prayer of the said *John Tucker's* petition, should not be granted, by serving the said *Abiel Wood* with an attested copy of his petition, and of the resolve of Court thereon, twenty days at least before the said second Wednesday; and that execution be stayed in the mean time.

XVII.

Resolve on the petition of *Jotham Bush*, empowering *William Greenleaf*, Sheriff for *Worcester*, to pay him £.100, for reasons mentioned. *October 29, 1787.*

On the petition of *Jotham Bush*, for reasons set forth in said petition.

Resolved, That *William Greenleaf*, Esq. Sheriff of the county of *Worcester* be, and he is hereby directed to pay to *Jotham Bush*, the sum of one hundred pounds, which the said *Greenleaf* received of the said *Bush*, in discharge of an execution issued on a judgment of the Supreme Judicial Court, held within the county of *Worcester*, in *September 1784*, against the said *Jotham Bush*, as bondsman for the appearance of *Benjamin Fisk*, at said Court, there to answer a process entered against him in behalf of the Commonwealth, it appearing to the satisfaction of this Court, that the said *Fisk* was prevented attending the said Supreme Judicial Court, by reason of sickness, and that he did afterwards appear before the said Supreme Judicial Court, to answer to the said process, and satisfy the judgment thereon.

XVIII.

Resolve on the petition of *William Greenleaf*, to notify the adverse party to shew cause, &c. *October 29, 1787.*

On the petition of *William Greenleaf*, Esq. Sheriff of the county of *Worcester*, and *John King* his deputy, praying for a new trial upon an action brought against the said *John King*, by *James Prout* of *Waltham*.

Resolved, That the petitioner notify the said *James Prout*, to appear on the second Wednesday of the next setting of the General Court, to shew cause if any he has, why the prayer of the said petition, should not be granted, by lodging with the said *James*, an attested copy of their petition, and this resolve thereon, at least thirty days, previous to the same second Wednesday, and that all proceedings by virtue of any execution issued on the judgment mentioned in the said petition, be in the mean time stayed.

Resolve

XIX.

Resolve authorizing the several Courts of the General Sessions of the Peace, for the remainder of the year, to grant licences to such persons as are described in said resolve. *October 29, 1787.*

Whereas provision was made in, and by an act passed in the year of our Lord 1785, that no person should from and after the passing the said act, be licenced to be a taver-ner, innholder or retailer, unless he produced in Court, a certificate or receipt from the Collector of Excise for the county, or Deputy, that he has accounted and paid his Excise at the several periods assigned by the said act, or within thirty days thereof :

And whereas it is represented to this Court, that some persons heretofore licenced, when they applied to have their licences renewed, failed of the same on account of their not having paid their excise within the time limited by law for that purpose, although they had paid the same previous to such application, owing to their not having been informed of the provision aforesaid or otherwise, whereby injury may arise to themselves and to the public.

Therefore *Resolved*, That the several Courts of General Sessions of the Peace in this Commonwealth, be, and hereby are authorized and empowered to grant licences for the remainder of the year, to such persons as above described, at their next term after the passing this Resolve, or the adjournment of their last term (as the case may be) the above defect notwithstanding. Provided that nothing in this Resolve, shall be construed so as to authorize any licences contrary, to the above mentioned provision, at any further time.

XX.

Resolve on the petition of *Edmond Phinney, Esq;* and others, considering any action instituted against the said committee and decided by the Court, before whom such action may be brought. *October 29, 1787.*

On the petition of *Edmond Phinney, Esq;* and others.

Resolved, That *Edmond Phinney John Dean, Esq's,* and *Enoch Perley*, appointed a committee by the Court of General Sessions of the Peace, for the county of *Cumberland*, which was begun and holden at *Portland*, in the said county, on the last Tuesday of *May*, A. D. 1786, agreeable to a law of this Commonwealth, entitled "An act for opening sluice-ways, in the mill-dam or dams which have or may be erected on *Presumpscut-River*, in the County of *Cumberland*, and upon any stream or streams which fall into the same river—passed the fourteenth of *March* 1785, be and they are hereby empowered to recover the compensation prescribed by the said law, for any services by them performed, within the year for which they were appointed a Committee, and in the same manner to all intents and purposes, as if the said law had not been repeal^d. And the Justices of the Peace for the said county, and of the Judicial Courts, are directed to govern themselves accordingly.

Resolved, That any action instituted against the said Committee or either of them, shall be considered and decided by the Court, before whom such action may be brought, in the same manner, as if the said law was still in force.

XXI.

Resolve authorizing the Court of Sessions for the county of *Worcester*, at their next sessions in *November* next, to act upon any reports made to the said Court, in *September* 1786. *October 29, 1787.*

Whereas the Court of General Sessions of the Peace for the county of *Worcester*, were prevented from setting at the term by law to have been held in *September* 1786, at which term there were reports made by several Committees appointed by the said Court of Sessions, to lay out roads in the said county, which reports are now rendered void without the interposition of this Court.

Resolved, That the Court of General Sessions of the Peace, for the county of *Worcester* be, and they hereby are authorized and empowered, at their adjournment, to be holden at *Worcester*, on the third Tuesday of *November* next, or at any future session, to take

and act upon any report or reports made to the said Court of Sessions, in *September* 1785, by committees appointed to view or lay out county roads or town ways, in the same manner as they might by law have done at their term in *September* 1786.

XXII.

Resolve on the petition of *Edward Brindley*, empowering the Judge of Probate of *Suffolk*, to authorize the Commissioners to pass upon the claims mentioned. *October* 30, 1787.

Upon the petition of *Edward Brindley*, representing that he was unable to exhibit his claims against the estate of the late *Eliakim Hutchinson*, Esq; a conspirator deceased, by reason that his note was carried out of the country :

Resolved, That the Judge of Probate for the county of *Suffolk*, be, and hereby is empowered and directed, to authorize the Commissioners heretofore appointed or other suitable persons, to pass upon the claims of the said *Edward Brindley*, in the same manner as they might have done had the claims been exhibited within the time limited by law.

XXIII.

Resolve on the petition of *Samuel Huston*, granting him $\text{£.}34 \text{ 4s } 6\text{d}$, being the amount of his account for supplies. *October* 31, 1787.

Upon the petition of *Samuel Huston*, setting forth that he furnished all the cotton, to supply the light-house on *Thacher's Island*, for one year, for which he has received no payment :

Resolved, That there be allowed and paid out of the public treasury, to the said *Huston*, the sum of *thirty-four pounds four shillings and six pence*, being the amount of his account for the aforesaid supplies as allowed by the committee on accounts, out of the funds arising from light money, or the surplussage of Naval-Officers fees, brought into the public treasury.

XXIV.

Resolve on the petition of *Thomas Clarke*, directing the Sheriff of *Essex*, to discharge him of a fine mentioned. *November* 1, 1787.

On the petition of *Thomas Clarke*, setting forth that he became surety to this Commonwealth, in behalf of one *Paul Dufson*, who was sentenced by the Supreme Judicial Court to pay a fine to the Commonwealth, of *thirty pounds*, and praying that he may be allowed to pay the said fine in government securities :

Resolved, That the prayer of the petition be granted, and the Sheriff of the county of *Essex*, is hereby directed to discharge the said *Thomas Clarke*, upon his paying the said fine of *thirty pounds*, in consolidated securities of this Commonwealth, provided the said *Clarke* pay the costs of prosecution in specie.

XXV.

Resolve appropriating the one per cent. duty arising from Auctioneers, to the Bank, to pay money to be borrowed for Clerks, &c. in the several offices. *November* 1, 1787.

Whereas by a resolve of the General Court, passed on the 27th inst. the Treasurer was directed to borrow upon loan a sum of money sufficient to pay to the Clerks of the Secretary's and other public offices, and for other purposes therein mentioned, and did direct the Treasurer to repay the money so borrowed from the first monies which should be brought into the treasury, from revenue arising from impost and excise, or in any other way so as not to interfere with appropriations previously made : And whereas by a resolve of the 7th of *July* last, it was ordered, that the revenue arising from Auctioneers should be appropriated from that time to the next session of the General Court for the purpose of paying the several Clerks in the Secretary's office, which time being expired, it is therefore

Resolved, That the revenues which shall accrue to this Commonwealth, from Auctioneers, after the commencement of the present Sessions of the General Court, be, and they hereby are appropriated to the repayment of the money which may be borrowed by the Treasurer in virtue of the resolve of the 27th inst. as aforesaid, and that the Treasurer govern himself accordingly. C Resolv-

XXVI.

Resolve granting *John Lucas*, Esq; commissary of pensioners £.2000 for the purpose of paying the wages due to pensioners, and directing the Treasurer in this case. *November 2, 1787.*

On the memorial of *John Lucas*, Esq; commissary of pensioners, in behalf of the invalids unable to do garrison duty, and who remain unpaid since the 17th of *March, 1786* :

Resolved, That there be paid out of the treasury of this Commonwealth to *John Lucas*, Esq; commissary of pensioners, the sum of *two thousand pounds*, for the purpose of paying in part the wages due to the said pensioners, the said commissary to be accountable therefor.

And it is further *Resolved*, That the Treasurer of this Commonwealth, be, and he is hereby empowered and directed, to pay the sum granted by this resolve, in orders, in favor of such persons and in such sums as the said commissary shall request, which orders shall be received in payment for the specie part of tax No. 5, granted in the year 1786; and the same to be charged to the United States.

XXVII.

Resolve directing the Hon. *Samuel Holten*, Esq; to pay £. 114 4s. in his hands, to the Treasurer, and discharging him of the balance due to him for services in Congress. *November 2, 1787.*

Whereas by a resolution of the General Court passed the 7th day of *October, 1786*, the sum of *two hundred pounds* was granted to the Hon. *Samuel Holten*, Esq; a delegate from this Commonwealth in Congress, he to be accountable for the same, and by reason of indisposition he was under a necessity of returning before the same became due for his services as aforesaid :

Therefore *Resolved*, That the Hon. *Samuel Holten*, Esq; be, and he is hereby directed to pay into the public treasury, the sum of *one hundred, fourteen pounds four shillings*, now remaining in his hands, and that he be discharged of the further sum of *eighty-five pounds sixteen shillings*, due to him for his services in his said capacity, from the 13th day of *June*, to the 17th day of *August* inclusive, at *twenty-six shillings* per day, agreeably to the establishment made by the General Court.

XXVIII.

Resolve for paying the delegates of this State to enable them to proceed to Congress, directing the Treasurer to borrow on loan £.300. *November 2, 1787.*

Upon representation of the Treasurer, that he has it not in his power to pay to the Hon. *Samuel A. Otis*, and *George Thacher*, Esquires, warrants presented by them to him for *two hundred pounds* each, issued by his Excellency with advice of Council, to enable them to proceed to Congress, having no money in his office.

Resolved, That the Treasurer be, and he hereby is directed to procure upon loan the sum of *three hundred pounds*, and to pay therewith *one hundred and fifty pounds*, to each of the aforesaid delegates, for the purposes mentioned, they to account for the same, and that he repay the said amount from the first monies that shall be received into the treasury not already appropriated.

XXIX.

Resolve empowering Constables and Collectors of the tax granted in *March 1786*, to continue receiving army notes, indents or certificates agreeable to the provision made in said tax, until they have compleated the collection, and directing the Treasurer to receive the same. *November 3, 1787.*

Whereas the General Court, by their resolution of the 7th day of *July* last, among other things provided that the Constables and Collectors of the tax granted in *March 1786*, be empowered and directed to continue receiving army notes and indents, or certificates agreeably to the provision made in the said tax act; and that the Treasurer should govern himself accordingly: And whereas doubts have arisen to what length of time the powers and directions aforesaid, given to Constables and Collectors should extend; to remove which doubts,

Be it *Resolved*, That the Constables and Collectors of the said tax, be, and they are hereby empowered and directed to continue receiving army notes, indents or certificates agreeable to the provision made in the said tax act, until they have completed the collections, to them respectively committed; and the Treasurer is hereby directed to receive the same accordingly, as well of the said Constables and Collectors, in discharge of their collections, as of the Sheriffs of the several counties; in discharge of executions issued for arrearages of the said tax.

XXX.

Resolve on the petition of *Josiah Cheney*, empowering the committee for the sale of absentees estates in the county of *Worcester*, to execute a deed of the land mentioned. November 5, 1787.

On the petition of *Josiah Cheney*, praying that a deed of a certain tract of land may be executed to him, which land the said *Josiah* purchased of *Eliakim Hutchinson* a conspirator, before his departure from this Commonwealth, as by the said *Hutchinson's* obligation appears:

Resolved, That the committee of the county of *Worcester*, for the sale of confiscated estates, be, and are hereby empowered and directed, to execute to *Josiah Cheney*, a good and sufficient deed of all the lands mentioned in the obligation given to the said *Josiah*, by *Eliakim Hutchinson*, he the said *Josiah Cheney*, first paying into the hands of the said committee such a sum in public securities as they in equity shall think just, all circumstances considered: And the said committee are directed to pay into the public treasury the amount of the securities they shall so receive, taking duplicate receipts, one of which to be lodged in the Secretary's office.

And it is further *Resolved*, That the said *Cheney*, be, and he hereby is discharged from any obligation he may have given to the said *Hutchinson*, on account of the said lands.

XXXI.

Resolve on the petition of *Jacob Keen*, to notify the adverse party to shew cause, &c. and staying execution in the mean time. November 5, 1787.

On the petition of *Jacob Keen*, setting forth great distresses brought on him, and his family, by one *William Gregory*, and praying the interposition of the General Court to protect him from ruin, threatened to be brought upon him by the said *William*:

Resolved, That the petition be so far granted, as that the petitioner notify the said *William Gregory*, by serving him with an attested copy of his petition, and this resolve thereon, twenty days at the least before the second Wednesday of the next session of this Court, that he may then shew cause, if any he has, why the prayer thereof should not be granted, and that execution be stayed in the mean time.

XXXII.

Resolve on the petition of *Jonathan Metcalf*, and *Hannah* his wife, empowering them to re-enter the action mentioned, and to become parties to the same suit, at the Court of Common Pleas, to be held at *Boston*, on the first Tuesday of *January* next, said *Jonathan* to serve the adverse party, with a copy of this resolve. November 5, 1787.

On the petition of *Jonathan Metcalf*, and *Hannah* his wife, setting forth, that a judgment was unduly obtained, and possession recovered of a certain messuage and about eight acres of land lying in *Roxbury*, the property of your petitioners, at a Court of Common Pleas, held at *Boston*, within and for the county of *Suffolk*, on the first day of *July* last past, by *Giles Goddard*, of the said *Roxbury*, and praying for a new trial, and that the petitioners may become parties to the suit.

Resolved, For reasons set forth in the said petition, that the prayer thereof be granted, and that the said *Jonathan Metcalf*, and *Hannah* his wife, be, and they are hereby empowered to re-enter the said action, and to become parties to the same suit, at the Court of Common Pleas, to be held at *Boston*, within and for the said county of *Suffolk*, on the first Tuesday of *January* next, and the said Court are hereby authorized and directed

rected to proceed thereon according to law and the rules of the said Court, in the same manner as if the said action had been regularly continued in the said Court, they the said *Jonathan* and *Hannah*, serving the said *Goddard* with an attested copy of this resolve, fourteen days at least before the sitting of the said Court.

XXXIII.

Resolve on the petition of *Margaret Seabury*, to notify the adverse party to shew cause, and staying execution in the mean time. *November 5, 1787.*

On the petition of *Margaret Seabury*, praying for a rehearing of an action therein mentioned, for reasons set forth in her said petition :

Resolved, That the prayer of her said petition be so far granted, as that the petitioner notify *Ebenezer Kingbury*, by serving him with an attested copy of her said petition, and this resolve thereon, fifteen days at the least before the second Wednesday of the next Sessions of the General Court, that he may then shew cause if any he has, why the prayer thereof should not be granted, and that execution be stayed in the mean time.

XXXIV:

Resolve allowing the county Treasurer's accounts, for the county of *Barnstable*, and granting a tax. *November 5, 1787.*

Whereas it appears to this Court, by the representation of the Justices of the Court of General Sessions of the Peace, for the county of *Barnstable*, that the monies granted and allowed by the said Court, were expended for such purposes, as are authorized by law : Therefore,

Resolved, That the said accounts be allowed. And whereas it appears by the estimate of the said Court of General Sessions of the Peace, held by adjournment the first Tuesday of *April, Anno Domini 1787.* that the sum of *one hundred and twenty pounds*, is necessary to be raised for defraying the charges of the said county the present year : Therefore,

Resolved, That there be, and hereby is granted a tax of *one hundred and twenty pounds*, to be apportioned and assessed on the polls and estates of the inhabitants of the said county of *Barnstable*, and applied to the use thereof according to the laws of this Commonwealth.

XXXV:

Resolve on two petitions of the town of *Windham* and *Marblehead*, empowering them to amend the error in the date of the bill mentioned, and making valid the choice of the Collector, and holding a certain deposition as sufficient evidence. *November 5, 1787.*

On two petitions of the town of *Windham* ;

Resolved, for reasons set forth in said petitions, That the said town be empowered to amend the error in the date of the bill committed to *Caleb Graffam* to collect, and that the choice of the said *Caleb*, to collect the said tax, be good and valid, the time of his being chosen notwithstanding.

Resolved, That the deposition of *John Prince* of *Marblehead*, in the county of *Essex*, shall be held and taken as sufficient evidence, that the notification of the sale of lands for the payment of the *penny half penny* tax was posted in the said town of *Marblehead*.

XXXVI.

Resolve on the petition of the inhabitants of the town of *Stow*, declaring null and void the judgment rendered, and directing *Ephraim Fairbanks*, Esq; to take further cognizance of said action, and directing the Selectmen of *Stow*, to serve said *Fairbanks* and *Maurice McClary*, with a copy of said petition and this resolve. *November 5, 1787.*

Upon the petition of the inhabitants of the town of *Stow*, praying that the judgment rendered in an action brought against them by *Maurice McClary*, before *Ephraim Fairbanks*, Esq; one of the Justices of the Peace for the county of *Worcester*, may for reasons set forth in the said petition, be set aside.

Resolved,

Resolved, That the prayer of the petition, be so far granted, that the judgment rendered in the said action, be, and hereby is declared null and void, and the said *Ephraim Fairbanks*, Esq; is hereby empowered and directed to take further cognizance of the said action in the same manner, as though no issue had been had thereon.

And it is further *Resolved*, That the Selectmen of the town of *Stow*, serve *Ephraim Fairbanks*, Esq; and *Maurice McClary*, with a copy of the aforesaid petition and this resolve thereon, fourteen days before the next tryal of the action above mentioned.

XXXVII.

Resolve on the petition of *Daniel Haws*, and others, in behalf of the town of *Barre*, empowering them to revive their suit mentioned. *November 5, 1787.*

On the petition of *Daniel Haws*, and others, in behalf of the town of *Barre*, praying that the said town of *Barre*, may be empowered to revive a suit commenced by them, against the town of *Southborough*, before the Court of General Sessions of the Peace for the county of *Worcester*, on the last Tuesday of *March*, Anno Domini 1786, for reasons set forth in the said petition :

Resolved, That the prayer of the said petition be granted, and that the said town of *Barre* be, and hereby are empowered to revive their suit commenced against the town of *Southboro'*, before the Court of General Sessions of the Peace, for the county of *Worcester*, on the last Tuesday of *March* 1786, and that the said Court of General Sessions of the Peace be, and hereby are fully authorized to take cognizance of the said process at their next term to be holden at *Worcester*, in and for the county of *Worcester*, on the last Tuesday of *March* next, and to proceed thereon in the same way and manner, as though the said process had not been discontinued; the said town of *Barre*, giving the said town of *Southborough* notice thereof, by serving the town-clerk, with an attested copy of their said petition and of this resolve thereon, thirty days at least previous to the said day.

XXXVIII.

Resolve allowing three months longer, for persons to bring in their accounts of a public nature by a resolve of *July* last, and for Selectmen to make return of bounties for raising men, and directing the publication of this resolve. *November 5, 1787.*

Whereas by a resolve of the General Court of *July* last, the Committee for methodizing public accounts were directed to call on all persons to whom public monies, or stores, had been committed, and who have not accounted therefor, to bring in accounts of the same within three months from the passing of the said act : And whereas by the said resolve, the Selectmen of each town, were called upon to make return of all bounties paid for raising men by towns, classes or individuals, or in default thereof be prosecuted according to law : And whereas the said term of three months has been found insufficient to accomplish all the said business : Therefore

Resolved, That the further time of three months, be, and hereby is allowed to bring in the aforementioned accounts and make the aforesaid returns : And that the committee before-mentioned, cause this resolve to be published in the Independent Chronicle, printed by *Adams* and *Nourse*, and the *Salem*, and other papers, where resolves of a similar nature are published.

XXXIX.

Resolve on the petition of *Ebenezer Bancroft*, ratifying the premised doings of the proprietors of *Tyng's-Town*. *November 5, 1787.*

On the petition of *Ebenezer Bancroft* and others, in behalf of the proprietors of *Tyng's-Town*.

Resolved, for reasons set forth in the said petition, that the premised doings of the said proprietors are ratified and confirmed, and are and shall be as effectual as they otherwise would have been, had the particular steps the law points out been observed by the said proprietors.

XL.

Resolve on the petition of the town of *Shutesbury*, directing the Treasurer to credit said town with the sum of £.183 13s. 2d. *November 6, 1787.*

On the petition of the town of *Shutesbury*, praying for an abatement of the taxes assessed on said town, from the years 1755, to and including the year 1760, before the same was incorporated, for reasons set forth in the said petition.

Resolved, That the prayer thereof be granted, and that the Treasurer of this Commonwealth be, and he is hereby directed, to credit the said town of *Shutesbury*, the sum of one hundred eighty-three pounds, eighteen shillings and two pence, being the amount of the several sums assessed on the said town, from the year 1755, to and including the year 1760, before the same was incorporated.

XLI.

Resolve confirming a certain purchase to *Samuel Brown* of *Stockbridge*, in the county of *Berkshire*, Esq; and others his associates, with a proviso. November 7, 1787.

Whereas the General Court on the 26th day of *October* 1786, did permit *Samuel Brown*, of *Stockbridge*, in the county of *Berkshire*, Esq; and others his associates, whose names are mentioned in a petition, previously preferred, to purchase of the natives a certain tract of land therein specified, lying between the rivers *Owego* and *Chenango*, and did release and quit-claim unto the said *Samuel Brown*, and his said associates, the said tract of land, on the following conditions, viz. That the said *Samuel*, and his associates, or any of them, should pay or cause to be paid into the Treasury of this Commonwealth, three thousand three hundred and thirty-three Spanish-milled dollars, and one third part of a dollar, or silver and gold equivalent thereto, within two years from the passing of the said resolve: And also if the Legislature of this Commonwealth, should at their next sitting after they should be ascertained that the said *Samuel* and his associates should have made the purchase aforesaid, cause to be paid unto the said *Samuel*, and his associates, a sum equal to such sum or sums of money, as the purchase of the said natives might cost them, together with all charges attending the same.

And whereas on the sixteenth day of *December* 1786, by an agreement entered into and concluded, between Commissioners for that purpose, appointed by this Commonwealth, and the State of *New-York* respectively, there was released and confirmed to this Commonwealth, two hundred and thirty thousand and four hundred acres of land, to be located by this Commonwealth, and to be situate to the northward of and adjoining to the land granted respectively to *Daniel Cox*, and *Robert Lettice Hooper*, and their respective associates, and between the rivers *Owego* and *Chenango*: Whereas the General Court, on the eighth day of *June* last, did appoint Mr. *James Dean*, a Superintendent, to superintend and approve such purchase as should be made by the said *Samuel Brown*, and his associates, of the land aforesaid: Whereas the said *Samuel Brown*, *Elijah Brown*, Esq's. *Orringh Stoddard* and *Joseph Raymond*, in behalf of the said *Samuel*, and his associates aforesaid, on the twenty-second day of *June* last past, did purchase of the natives, the said lands ceded and granted as aforesaid, to have and to hold the same to them, their heirs and assigns forever, which said purchase, the said *James Dean*, by virtue of his appointment aforesaid, did superintend and approve the same.

Resolved, That the said purchase made as aforesaid, be, and the same hereby is confirmed.

And whereas *James McMaster*, was found in the possession of part of the said tract of land, and that the said *Samuel Brown* might quiet his claim thereto, he hath contracted with the said *James*, to convey to him, should the same be granted by the General Court, eighteen square miles of land, bounded south by the north line of a patent made to *Daniel Cox*, and *Robert Lettice Hooper*, and their associates, west on *Owego* river, to extend up the said river from the said line, six miles, and eastward from the said river, three miles; the east line to be strait and to be so run as to make the above mentioned quantity of land, and to be as nearly parallel as may be to the general course of the said river.

It is further *Resolved*, That the same described tract of land be, and the same hereby is granted to the said *Samuel Brown*, his heirs and assigns, to enable him to fulfil his said agreement.

It is further *Resolved*, That the residue of the said described tract of land, first above mentioned, be, and the same hereby is granted to the said *Samuel Brown*, *Elijah Brown*, *Orringh Stoddard*, *Joseph Raymond*, *Asa Bement*, *Asa Bement jun.* *Elkanah Bishop*, *Moses Ashley*, *Elisha Blin*, *Ezekiel Crocker*, *Ira Scymour*, *Elizabeth Lusk*, *Silas Peppen*, *Henry Williams*, *Dwight*,

Dwight, Benjamin Peirson, Jeremiab Hayley Peirson, Joseph Peirson, William Brown, Asbbel Strong, Simon Larned, Nathan Peirson, Amos Patterjon, David Pixley, Jacob Parsons, Anna Bingham, Phillip Cook, Asbbel Cone, William Walker, Caleb Walker, Isaac Jenks, Ebenezer Mason, Josiab Gilbert Peirson, Warham Parks, John Brown, Ebenezer Williams, John Morell, Nathaniel Bishop, Isaac Curtis, Allen Newball, Azariah Egleston, Thbadeus Thompson, Jonathan Edwards, Elibu Parsons, Eliphalet Parsons, Elisba Bradley, Asa Bradley, Josiab Bradley, Jonathan Woodbridge, Erastus Sargeant, Oliver Partridge, Ebenezer Cook, Abner Rockwell, Stephen Brown, Stephen Nash, Jonathan Ingersol, Samuel Brown, jun. Beulah Brown, Dudley Coleman, Elnathan Curtis, and John Chapman, being the associates of the said Samuel Brown, Esq; their heirs and assigns, each one an equal share, in and to the said described tract of land, excepting the said land contracted to be conveyed to the said James McMaster; provided they (excepting the said Samuel Brown) or their legal representatives, shall respectively pay unto the said Samuel Brown, his heirs, executors, or administrators, or to the Treasurer of this Commonwealth, and cause to be endorsed on the bond of the said Samuel Brown, an equal proportion of the money to be secured by him, to be paid to this Commonwealth, as hereafter provided, four weeks previous to the time the same shall become due, according to the bond of the said Samuel, hereafter mentioned: And in case any person or persons whose names are above mentioned, or their legal representatives, shall refuse or neglect to pay and discharge their equal proportion of the said sum as aforesaid: It is further Resolved, That in every case of such refusal or neglect, the right or share of the person so refusing or neglecting, shall vest in the said Samuel Brown, and is hereby released and conveyed to him and to his heirs and assigns.

Provided always, however, that the said Samuel Brown, shall within two days from the passing these resolves, become bound with surety or sureties to the Treasurer of this Commonwealth, for the payment of five thousand Spanish-milled dollars or silver or gold equivalent thereto, with the lawful interest thereof, by the twenty-sixth day of October next.

Provided also, that no compensation shall be made by this Commonwealth, in favor of Samuel Brown, Esq; and his associates, in consequence of any expences or trouble he or they may have been at in the business aforementioned.

XLII.

Resolve on the petition of Capt. Jeremiab Learned, in behalf of the town of Oxford; assessments abated on that part of Brown's land, the property of this State. November 7, 1787.

On the petition of Capt. Jeremiab Learned, in behalf of the town of Oxford, praying, that the sum of ten pounds assessed on that part of Brown's land so called, which is the property of this Commonwealth, may be abated, for reasons set forth in said petition.

Resolved, That the prayer thereof be granted, for reasons therein set forth, and that the sum of ten pounds assessed on that part of Brown's land so called, which is the property of this Commonwealth, and lies in the said town of Oxford, be, and the same is hereby abated, and that the Treasurer be, and he is hereby directed to govern himself accordingly.

XLIII.

Resolve postponing the payment of tax No. 4 and 5. November 8, 1787.

Whereas it appears expedient, to give the good people of this Commonwealth, some further time for payment of the taxes, number four and five: Therefore

Resolved, That the time heretofore ordered, for the Treasurer to issue his executions against the Collectors of tax number four, be, and hereby is prolonged to the first day of February next.

And it is further Resolved, That the time heretofore ordered for Treasurer to issue his executions against the Collectors of tax number five, be, and hereby is postponed to the second Wednesday of January next.

XLIV.

Resolve on the petition of Samuel Morse, grant to. November 8, 1787.

On the petition of *Samuel Morfe*, praying that he may receive some compensation on account of his being sick, while in the service of this Commonwealth, for reasons set forth in his petition :

Resolved, That the prayer of the petition, be so far granted, that there be allowed, and paid out of the treasury of this Commonwealth, to the said *Samuel Morfe*, the sum of *four pounds*, in full compensation for his sufferings, as mentioned in the said petition.

XLV.

Resolve on the petition of *David Wilder*, in behalf of the town of *Leominster*, allowing the Sheriff of *Worcester* county, to return the executions against certain persons named, and directing the Treasurer to stay issuing alias executions, until, &c. *November 8, 1787.*

On the petition of *David Wilder*, in behalf of the town of *Leominster*, praying for further time to satisfy executions, against deficient Collectors, in the said town, for reasons set forth in the said petition :

Resolved, That the Sheriff of the county of *Worcester*, be allowed to return the executions he has in his hands, against *Timothy Stearns* and *Levi Warner*, of the said *Leominster*, Collectors of the tax granted in *October 1781*, in part satisfied, any resolve of the General Court, to the contrary notwithstanding.

And it is further *Resolved*, That the Treasurer of this Commonwealth, be, and he is hereby directed to stay issuing alias executions, against the said *Timothy Stearns*, and *Levi Warner*, for the balance they may owe on the said tax, until the first Tuesday in *August* next.

XLVI.

Resolve on the petition of the Selectmen of the town of *Marlborough*, directing the Commissary-General, to receive the powder mentioned, and to deliver good powder in lieu thereof. *November 8, 1787.*

On the petition of the Selectmen of the town of *Marlborough*, setting forth that they lent to government, a quantity of gun-powder, for the use of the army, when at *Cambridge*, &c. in the year *1775*, for which they received a like quantity of gun-powder, manufactured in this Commonwealth, and upon tryal of which, was found of a bad quality : Therefore

Resolved, That the Commissary-General be, and he is hereby directed to receive from the Selectmen aforesaid, the powder mentioned in their petition, they first making oath that they received the same from government, and deliver the like quantity of good powder.

XLVII.

Resolve on the petition of *Francis Shurtliff*, in behalf of the town of *Plympton*, directing the Treasurer to issue his execution against the Collectors, for the sum mentioned. *November 9, 1787.*

On the petition of *Francis Shurtliff*, in behalf of the town of *Plympton*, praying that execution may issue against *Jonathan Parker*, one of the Collectors of the said town, for the year *1781*, in favour of the said town, for a receipt drawn by the former Treasurer *Gardner*, in favour of the said *Parker*, but is the property of the said town :

Resolved, That the prayer of the said petition, be granted, and the Treasurer of this Commonwealth, is hereby directed, to issue his execution against the said Collector, for the sum of *one hundred and thirteen pounds three shillings and three pence* specie, together with five per cent. damage, agreeable to former resolves, any law or resolve to the contrary notwithstanding.

XLVIII.

Resolve on the petition of *Daniel Putnam*, in behalf of the town of *Fitchburgh*, directing the Treasurer to recall the executions, and directing said town to appear on the 2d Wednesday of the next Court, to shew cause, &c. *November 9, 1787.*

Upon the petition of *Daniel Putnam*, in behalf of the town of *Fitchburgh*, setting forth that the said town were fined, the sum of *seventy-four pounds one shilling and eight pence*,
lawful

lawful money, for not procuring a soldier agreeably to a former requisition of Congress, and that the said fine was remitted by a resolution passed *November 2, A. D. 1782*, till further orders of the General Court, and setting forth, that the Treasurer, by virtue of a late general resolve, dated the 7th day of *July* last past, directing him to issue executions against delinquent Collectors, did issue an execution against the said town, for the fine aforesaid :

Resolved, That the Treasurer be, and he hereby is directed to recall the said execution, and not to issue an alias, till the next setting of the General Court, and the subject of the said petition be referred to that time.

XLIX.

Resolve on the petition of the town of *Pepperell*, allowing them a further time to complete the collection of the tax mentioned, provided &c. *November 9, 1787*.

On the petition of the Selectmen, of the town of *Pepperell*, in the county of *Middlesex*, praying that a further time may be allowed the said town, for the finishing of the collection of tax No. 2, for reasons set forth in the said petition :

Resolved, That the prayer of the said petition, be so far granted, that a further time of three months be allowed the said town of *Pepperell*, to complete the collection of the said tax, and that execution in the mean time be stayed, provided the Collectors in the said town, pay into the treasury all such sums of money as may have been collected on the said taxes.

L.

Resolve on the petition of *Vose Crane*, grant to. *November 9, 1787*.

On the petition of *Vose Crane*, a soldier, in *Col Badlam's* regiment, Capt. *James Robinson's* company, in the service of the Commonwealth, last winter, praying for an allowance for his Doctor, nursing and boarding, while lame, with a broken leg :

Resolved, That the prayer of the petition, be so far granted, that there be allowed and paid out of the public treasury, the sum of *six pounds*, to the aforesaid *Vose Crane*, in full compensation for his cost and sufferings by reason of his having broken his leg, while a soldier in the service of this Commonwealth.

LI.

Resolve on the petition of *Amos Andrews* and others, assessors for the town of *Scarborough*, directing them to make their warrant agreeably to law, and making them valid. *November 9, 1787*.

On the petition of *Amos Andrews*, *John A. Milliken*, and *William Hasty*, assessors for the town of *Scarborough*, in the year of our Lord seventeen hundred and eighty-six, shewing that no warrant was given to the Collectors of the said town, to collect the State, county and town taxes, in the aforesaid town, for the year aforesaid, and praying that they the said assessors, may be now authorized and empowered to make out their warrant or warrants, to the said Collectors, for the purpose aforesaid :

Resolved, That the Assessors of *Scarborough* aforesaid, be, and they, or the major part of them, are hereby authorized and directed to make their warrant or warrants, in manner and form, as by law is directed, (*mutatis mutandis*) to the Collector or Collectors aforesaid, and the warrant or warrants aforesaid, made and delivered as aforesaid, shall be good and effectual in law for all future collections, as if the same had been made and delivered to the said Collector or Collectors, with the lists and assessments of the aforesaid taxes.

LII.

Resolve on the memorial of *John Deming* and *Peter Boyer*, grant to, and directing the Treasurer to borrow the said sums. *November 9, 1787*.

On the memorial of *John Deming* and *Peter Boyer*, praying payment in part for their services as committee for methodizing public accounts :

E.

Resolved

Resolved, That there be paid out of the public treasury of this Commonwealth, *sixty pounds* to *John Deming* and *Peter Boyer*, each, in part payment of their wages, and that the Treasurer be, and he is hereby authorized to borrow the said sums in the manner and on the same funds as is provided by a resolve of the 27th of *October* last, for payment of the several Clerks in the Treasurer's and Secretary's offices.

LIII.

Resolve on the memorial of the Commissary-General, directing him to dispose of a quantity of tobacco, for any of the liquidated securities, by auction or private sale, and to pay the net proceeds into the treasury. *November 12, 1787.*

On the memorial of *Richard Devens*, Esq; Commissary-General, setting forth that a considerable quantity of tobacco, now in the town of *Northampton*, and county of *Hampshire*, which has been received in payment of back taxes, by *James Shepard*, Esq; is in a perishable state, and some of it already much damaged :

Resolved, That *Richard Devens*, Esq; Commissary General, be, and he hereby is directed, to dispose of the tobacco aforesaid, for any of the liquidated securities of this State, immediately, by auction or private sale, as shall appear best, paying the proceeds of such sales into the public treasury as soon as may, taking duplicate receipts for the same, one of which to be lodged in the Secretary's-office.

LIV.

Resolve on the memorial of the Commissary-General, grant to, for supplies to the garrison and convicts at *Castle-Island* : As also grant to, to enable him to purchase oil, and other necessaries for the Light-Houses, from the funds arising from light-money, &c. *November 12, 1787.*

Upon the memorial of *Richard Devens*, Commissary-General, setting forth, that he stands in need of a warrant for supplying the garrison and convicts, on the *Castle*, with provisions, cloathing, &c. also to purchase oil, &c. for the several Light-Houses :

Resolved, That there be allowed and paid out of the public treasury, to the said Commissary-General, for supplying the garrison and convicts, at *Castle-William*, the sum of *three thousand pounds*, from funds arising from any taxes assessed prior to No. 4, so called, or by orders on the Collectors or Sheriffs, to whom the said taxes may be committed for collection, he to account for the same.

And it is further *Resolved*, That there be allowed and paid out of the public treasury, to the said Commissary-General, to enable him to purchase oil, and other necessaries for the several Light-Houses, the sum of *eighteen hundred pounds*, from the funds arising from light-money, and from any monies which may be brought into the treasury from the fees of the Naval-Offices.

LV.

Resolve on the petition of *John* and *Aaron Burnam*, making valid a decree of the Judge of Probate in the county of *Cumberland*. *November 12, 1787.*

On the petition of *John Burnam* and *Aaron Burnam*, the petitioners, praying that a decree of the Judge of Probate, in the county of *Cumberland*, appointing the said *John Burnam*, administrator on the estate of *Job Burnam*, deceased, may be made valid :

Therefore *Resolved*, That the decree of the said Judge of Probate, be confirmed and rendered valid in law to all intents and purposes, any law or resolve to the contrary notwithstanding.

LVI.

Resolve on the petition of *Solomon Allen*, directing the Treasurer in the case. *November 12, 1787.*

On the petition of *Solomon Allen*, setting forth that on the second day of *March* last, he received of the Treasurer of this State an order on *Elijah Hunt*, Esq; Collector of
Excise

Excise and Impost in the county of *Hampshire*, for the sum of *eighty-six pounds four shillings* payable to Col. *Allen*, bearer, as now appears from the Treasurer's Books, and that after he received said order as aforesaid, the said order was by unavoidable accident lost :

Resolved, That the Treasurer, be, and he hereby is directed to pay to Col. *Allen*, another order, for the same sum of *eighty-six pounds four shillings*, the said *Allen* giving good and sufficient bonds to the Treasurer, or his successor in office, to indemnify and keep harmless this Commonwealth, from the order lost as aforesaid.

LVII.

Resolve on the petition of *John Glover*, Esq; authorizing the Treasurer to receive of him the amount of the bond with interest, in this State's securities. *November 12, 1787.*

On the petition of *John Glover*, praying for leave to discharge his bond, for *thirteen hundred and sixty-nine pounds*, due to this Commonwealth, in government securities :

Whereas by a resolve dated *February 17th 1781*, it is provided that Commissioners be appointed to appraise a farm formerly the property of *William Brown*, Esq; an absentee, to be paid for in government securities, due from this Commonwealth, to *John Glover*, Esq; for his services : And whereas it appears that the said *Glover*, not being then in possession of a sum as aforesaid, sufficient to discharge the amount thereof, he was allowed to give his bond payable in one year from that date, but as no mention was made therein specifying the kind of payment, the Treasurer on application of the said *Glover* to discharge the said bond in the securities aforesaid, did not find himself at liberty to comply therewith, consequently the said bond remains yet unpaid : Therefore

Resolved, That the Treasurer of this Commonwealth, be, and he is hereby authorized and directed, to receive of the said *Glover*, the amount of the aforesaid bond, with the interest thereon due, in this State's securities, which were originally paid to him.

LVIII.

Resolve on the petition of *Timothy Cutler*, empowering the arbitrators to settle the dispute subsisting between the parties. *November 13, 1787.*

On the petition of *Timothy Cutler* :

Resolved, For reasons set forth in the said petition, that *Thomas Lancaster*, *Enoch Ilsey* and *Joshua Freeman*, mutually chosen by the said *Timothy Cutler* and *Joseph Knight*, to settle all matters of dispute, subsisting between them, are hereby empowered to notify the parties to attend at any time and place, the said arbitrators shall judge proper, as soon as may be,—and after hearing the said parties, and considering all such matters and things, as shall then and there be offered,—rectify any mistake that may appear in any former award and make such new award as to them may appear just and equitable between the parties : And if either of the parties shall not appear, after being duly notified, the said arbitrators shall proceed to the consideration of the case notwithstanding ; and the award of the said arbitrators, shall be binding on the parties ; and any action now pending in the law, respecting matters or disputes between them, be staid until such award be made and delivered to the Court having cognizance of the same :

LIX.

Resolve on the petition of *Joseph Patterson*, empowering the Commissary of Pensioners, to act on his former minutes. *November 13, 1787.*

On the petition of *Joseph Patterson*, who was wounded in the expedition against *Penobscot*, praying that the Commissary of Pensioners may be authorized to act on his former minutes, (the original papers being mislaid) ; for reasons,

Resolved, That the prayer of the petition be granted, and that the Commissary of Pensioners be, and he is hereby authorized and empowered, to act on the minutes he formerly made of the Petitioner's case, in the same manner as if he had the said original papers.

LIX.

Resolve on the petition of *Daniel Gould*, in behalf of the town of *Ware*, empowering the Treasurer to credit said town. *November 13, 1787.*

On the petition of *Daniel Gould*, in behalf of the town of *Ware*, setting forth, that they were taxed in the year 1751 and 1752, to the amount of *fifty-six pounds ten shillings*; and that the execution for the same is now in the hands of the Sheriff of the county of *Hampshire*, and praying that the same may be abated, for reasons set forth in the said petition,

Resolved, That the prayer of the petition be granted, and that the Treasurer be, and he is hereby empowered and directed, to credit the town of *Ware*, the sum of *fifty-six pounds ten shillings*, being the whole amount of the said taxes, and that the execution, so far as relates to the above taxes, be null and void.

LX.

Resolve on the petition of *Phineas Lamphire*, to notify the adverse party to shew cause. *November 13, 1787.*

On the petition of *Phineas Lamphire*, of *Lansborough*, in the county of *Berkshire*, praying for reasons set forth in said petition, for a rehearing of an action in favour of *Jacob Ensign*, of *Pittsfield*, in the same county, against the petitioner, on which judgement was recovered in the Court of Common Pleas holden at *Lenox*; within and for said county, on the second Tuesday of *September* last :

Resolved, That the prayer of the said petition be so far granted, that the said *Phineas Lamphire*, give notice to the said *Jacob Ensign*, by serving him with an attested copy of the said petition and this resolve thereon, fourteen days beforehand, to appear on the second Wednesday of the next setting of the General Court, to shew cause, if any he hath, wherefore the prayer of the said petition, should not be granted, and that execution be stayed in the mean time.

LXI.

Resolve on the petitions of the towns of *Needham*, *Medfield* and district of *Dover*, repealing a resolve of Court passed 6th *March*, 1787; for re-building a bridge over *Charles-River*, within the town of *Dedham*. *November 13, 1787.*

Whereas there was a resolve passed the General Court, on the sixth day of *March* last, empowering the Court of General Sessions of the Peace in the county of *Suffolk*, to order a bridge re-built over *Charles-River*, within the town of *Dedham*, and to assess the costs thereof, on the towns of *Dedham*, *Needham*, *Medfield* and district of *Dover*, but upon a full examination into the situation and circumstances of the said towns and district; it appears unreasonable that the towns of *Needham* and *Medfield* and district of *Dover*, should be charged with the re-building said bridge: Therefore,

Resolved, That the aforesaid resolve, which passed on the sixth day of *March*, 1787, be repealed, and every part and paragraph thereof, is hereby declared null and void.

LXII.

Resolve making provision for the election of Grand-Jurors, in the county of *Berkshire*, to serve in the Court of General Sessions of the Peace, in said county. *November 14, 1787.*

Whereas by means of the disturbances which prevailed in the county of *Berkshire*, in the month of *March* last, no Grand-Jurors were elected to serve in the Court of General Sessions of the Peace, for that county, as by law is provided, and great inconveniencies have thence resulted, and to prevent the like at the term of the said Court, which is to be holden on the first Tuesday of *February* next :

Resolved, That the Clerk of the Court of General Sessions of the Peace, for the said county, be, and he hereby is empowered and directed, to make out his warrants to the Constables of the several towns in the county aforesaid, or so many of them as may be necessary to assemble the freeholders and inhabitants of their respective towns, quali-

fi'd to vote for a Representative, to choõse by ballot, one or more good and lawful man or men, in each town, to whom such a warrant should be directed, of like qualification, and of good moral character, to appear at the said Court of General Sessions of the Peace, at the term aforesaid; and the Jurors to be elected as aforesaid, shall have the same powers, to all intents and purposes, at the term aforesaid, and until others shall be chosen and sworn, as if they had been elected at the time and in the manner, as is provided by an act of this government, entitled "An Act regulating the appointment and services of Grand-Jurors," any thing in the said act contained, to the contrary notwithstanding:

LXIII.

Resolve on the petition of *Abner Belamy*, grant to. November 14, 1787.

On the petition of *Abner Belamy*, setting forth that he was a soldier in the first three years service in Col. *Greaton's* regiment, Capt. *Volentine's* company, that some persons by forging his name, has drawn his delay pay, so called, praying for relief in that case:

Resolved, That there be allowed and paid out of the public Treasury, to the said *Belamy*, the sum of six pounds, one shilling and three pence, in full discharge of his arrears of pay, being drawn by forgery notwithstanding.

LXIV.

Resolve on the petition of *David Pixley*, directing the Treasurer to suspend issuing an execution against the Sheriff of *Berkshire*. November 14, 1787.

On the petition of *David Pixley*, praying that an execution against him, in favour of *Aaron Wood*, which was recovered against the petitioner, for a debt due to the Commonwealth, from *Eleazer West*, Collector of public taxes, in the town of *Lee*, may be stayed.

Resolved, That the Treasurer be, and he hereby is ordered and directed, to suspend the issuing an execution against the Sheriff of the county of *Berkshire*, for a default of returning an execution which was in his hands, on the twenty-sixth day of *November*, one thousand seven hundred and eighty-five, against the said *Eleazer*, for the sum of two hundred and sixty pounds, and ten shillings, until the second Wednesday of the next sitting of the General Court, and that an execution of a judgment recovered by the said *Aaron Wood*, against the said *David Pixley*, by means of his having become bound for the said *Eleazer West*, for the sum aforesaid, shall be stayed in the mean time; provided the said *David Pixley*, shall give the said *Aaron Wood* sufficient security to his satisfaction, for the payment of the said execution, when an execution against the said Sheriff for the default aforesaid, shall be ordered to issue.

LXV.

Resolve on the petition of the selectmen of the town of *Hancock*, directing the Sheriff of the county of *Berkshire*, to return the executions which have been issued unsatisfied, and appointing a Committee of both Houses to repair to said town to obtain information relative to taxes which remain unpaid. November 14, 1787.

Whereas the selectmen of the town of *Hancock*, in the county of *Berkshire*, have represented to this Court, that by the late running the dividing line between this Commonwealth, and the State of *New-York*, a quantity of land, with the owners, which heretofore were reputed to belong to the said town of *Hancock*, are now found to be in the State of *New-York*, that divers of the said owners have not paid the taxes assessed on them, agreeable to the laws of this Commonwealth, and now refuse and cannot be compelled to pay them, and praying that executions against the defective Constables of the said town, may be stayed:

Resolved, That the Sheriff of the county of *Berkshire* be, and he hereby is authorized and directed to return the executions which have issued from the Treasurer of the Commonwealth, against the several Constables or Collectors of the said town, unsatisfied, for one half of the sums in the same executions respectively expressed: And that *Thomson J. Skinner*, Esq; *Mr. Lusk* of *Richmond*, and *Mr. Hinman*, be a Committee to repair,

in the recess of the General Court, to the said town of *Hancock*, and obtain information what part of the inhabitants and lands, heretofore reputed to belong to the said town of *Hancock*, are now found to be in the State of *New-York*, and what part of the taxes which remain unpaid in the said town, were assessed on those persons, who by running the line aforesaid, appear to be in the said State of *New-York*, and make report at the next sitting of the General Court.

LXVI.

Resolve granting a tax on the polls and estates of the inhabitants of the county of *Cumberland*. November 14, 1787.

Whereas it appears from an estimate of the Justices of the Court of General Sessions of the Peace, for the county of *Cumberland*, made at their sessions on the last Tuesday of *October* 1786, that the sum of *four hundred pounds*, will be necessary for defraying the charges of said county for one year next ensuing: Therefore,

Resolved, That there be, and there hereby is granted, a tax of *four hundred pounds*, on the polls and estates of the inhabitants of the county of *Cumberland*, lying within the same, to be proportioned on the several towns of the county, by the Court of the General Sessions of the Peace, for said county, and to be assessed, collected and paid in, and applied for the use of the said county, according to the laws of this Commonwealth.

LXVII.

Resolve on the petition of *Thompson Maxwell*, in behalf of the town of *Buckland*, authorizing said town to pay a sum of money, in government securities for a deficiency of a soldier. November 14, 1787.

On the petition of *Thompson Maxwell*, in behalf of the town of *Buckland*:

Resolved, That the said town of *Buckland*, be, and they are hereby authorized to pay into the public Treasury of this Commonwealth, the sum of *seventy-four pounds*, being a fine for the deficiency of one continental soldier, in the last requisition laid on the said town, in any government securities, in full discharge thereof, and the Treasurer of this Commonwealth, and all concerned, are to take notice and govern themselves accordingly.

LXVIII.

Resolve on the petition of *Willis Hall*, authorizing the Judge of Probate, for *Middlesex*, to make out a commission to the former Commissioners on the estate of *Jonas Cutler*, to examine the claim made by said *Hall*. November 14, 1787.

Upon the petition of *Willis Hall*, surviving partner of the late trading company of *Stephen Hall* and *Willis Hall*, merchants:

Resolved, That the prayer thereof be so far granted, as that the Judge of Probate for the county of *Middlesex*, be, and he is hereby authorized and empowered to make out a commission to the former Commissioners on the estate of *Jonas Cutler*, late of *Groton*, in the said county of *Middlesex*, Esq; deceased, or to any three other indifferent and discreet freeholders, in the said county as he shall think best, directing them, after being first duly sworn, to examine the claim made by the said *Willis* against the estate of the said *Jonas*; and should they on such examination find the same to be just, to allow the same, and in case the same should be so allowed, to order and decree such part of the said *Jonas Cutler's* estate, not already distributed to, and among the creditors of the said estate, to the said *Willis*, in such proportion as he would have been intitled to, had his said claim been allowed at the proper time, and the residue of the said estate not distributed (if any) to be distributed to and among the other creditors of the said *Cutler's* estate, whose claims have been duly allowed, including the said *Willis Hall's*.

LXIX.

Roll No. 9. November 14, 1787.

The Committee on accounts have examined and passed upon the accounts now presented, and find that the sums reported and set against the towns and persons hereafter named,

named, are due to them ; and if allowed, will be in full discharge of the accounts exhibited.

JOSEPH HOSMER, per Order.

To Doctor <i>Lucius Doolittle's</i> bill, for visits and medicines on account of <i>Thaddeus Hill</i> , a soldier in Col. <i>Stearn's</i> regiment, in <i>March</i> and <i>February</i> last, certified by Major-General <i>Warner</i> .	£ 3	14	6
To <i>John Haskell</i> , for nursing, attendance and other charges occasioned by the sickness of the before mentioned <i>Thaddeus Hill</i> , at the time above-mentioned, and certified as above.	3	18	0
To <i>John Austin</i> and <i>Dercas Austin</i> , the poor of <i>Charlestown</i> , to an allowance for board from <i>June 27, 1787, to October 24.</i>	8	10	0
To <i>Joseph Nowell</i> , for work done on the <i>Castle boats</i> in 1784, which was then allowed, but not paid, not being applied for.	13	12	2
To Doctor <i>Samuel Williams</i> , as Agent on <i>New-York</i> line, and for his services, assistants, expences, &c. in <i>July, August</i> and <i>September</i> last, being called by government to this service, being a balance due to him.	95	2	0
To <i>Joseph Smith</i> of <i>Lexington</i> , for boarding <i>Sarah Fowle</i> , one of the poor of <i>Charlestown</i> , from <i>July 1st, to October 1st, 1787.</i>	5	17	0
To <i>Hugh Gordon</i> , for his services agreeable to an order of government in <i>July 1784</i> , in taking a list of inhabitants and buildings, &c.	2	14	0
To <i>Cyrus French</i> , Deputy Sheriff, for his services for the public, in the county of <i>Worcester</i> , from the third of <i>February 1787, to the 16th.</i>	3	18	0
To General <i>Samuel M^r Cobb</i> , for the hire of a vessel and all other charges, in consequence of a special order to proceed to <i>Penobscot</i> , in <i>April 1784.</i>	58	4	0
To <i>Benjamin Hovey</i> , Deputy Sheriff, for his services performed for the public in <i>February</i> last, in apprehending State prisoners.	9	11	6
To the same persons, for damage done to a sleigh furnished the public in <i>January</i> last, properly certified.	0	18	0
To <i>Silas Bent</i> , for medicines supplied from <i>August 20, to September 26, 1787,</i> with other supplies and cash advanced, in the county of <i>Hampshire</i> , and to Lieut. Col. <i>Lyman's</i> regiment,	3	10	6
To the selectmen of <i>Newbury-Port</i> , for boarding <i>Mary Hopping</i> and <i>Sarah Manning</i> , the poor of <i>Charlestown</i> , from the first of <i>July 1784, to the 1st July 1787,</i> and for burying <i>Moses Hoyts</i> , a State pauper.	48	9	0
To another account from said selectmen, for supplies to <i>John Latham</i> , to a black man named <i>Janes</i> , to one <i>Thompson</i> , to a number of <i>Irish</i> passengers, to <i>William Dow</i> , and for other charges from <i>May 1786, to March 23, 1787,</i> properly certified and with proper vouchers, all State's poor.	38	17	5
To Doctor <i>John Newman</i> , for medicines and visits to <i>John Latham</i> , wife and child, State's poor, from <i>May 27, to the last of August 1787,</i> examined in the usual manner.	9	0	0
To <i>David Townsend</i> , for boarding <i>John Townsend</i> , his wife, and one child, together with the widow <i>Manning</i> , the poor of <i>Charlestown</i> , from <i>February 2, 1787, to November 3, 1787.</i>	42	18	6
To the selectmen of <i>Easton</i> , for supplies to <i>Benjamin Eddy</i> and family, by order of government, the summer past, and assisting in repairing a small house, &c.	5	9	2
To <i>Samuel Guild</i> , for visits and medicines on account of the said <i>Eddy's</i> family, in <i>April</i> last.	0	13	8
To <i>Moses Greenleaf</i> , for cash advanced to <i>John Smith, John Knight</i> and <i>Makepeace Colby</i> , soldiers in his company, on account of arms and other accoutrements agreeable to an act of government, the date of payment being the fifth of <i>April, 1777.</i>	13	10	0
To <i>Sarah Hill</i> , for boarding <i>Samuel Austin</i> , one of the poor of <i>Charlestown</i> , in two accounts, of <i>5l. 6s.</i> each, from the first of <i>April 1787, to the first of July,</i> and from that time to the first of <i>October.</i>	10	8	0
To the town of <i>Colrain</i> , for boarding, cloathing, Doctors bills, &c. on account of <i>Daniel McDugen</i> , one of the State's poor, from <i>July 1st 1785, to the 29th October 1787.</i>	23	11	0

To <i>James White</i> , for orderly books, a very large number, for the use of the Commonwealth, by order of government, paper also, from <i>June 6, 1787</i> , to <i>October 26,</i>	£.106 18 6
To <i>George Middleton</i> , for supporting <i>Rose Middleton</i> , one of the <i>Charlestown</i> poor, from <i>October 1st, 1783</i> , to the <i>25th of May, 1784</i> , certified by the selectmen of <i>Charlestown</i> ,	10 4 0
To the town of <i>Salisbury</i> , for expenditures on account of <i>Molly Lane</i> , in her sickness and at her death, from <i>November, 1785</i> , to <i>February, 1787</i> , one of the State's poor,	30 15 8
To <i>Benjamin Larkin</i> , for binding books of different kinds, paper, &c. for the use of government, from <i>January 9, 1787</i> , to <i>September 20,</i>	27 15 0
To <i>Elijah Howard</i> , towards the support of <i>Benjamin Eddy</i> and family, State's poor, from <i>December 1785</i> , to <i>June 1787</i> ,	13 1 8
To the town of <i>Scarborough</i> , for bills answered on account of <i>Michael Murefey</i> , and <i>Peter Walker</i> , in 1787, being State's poor,	8 9 6
To <i>David Devens</i> , for boarding <i>Dinah</i> , an old negro, one of the <i>Charlestown</i> poor, from <i>February 11, 1787</i> , to <i>October 21,</i>	10 16 0
To Doctor <i>James Hawe's</i> account, for visits and medicines on account of several of the poor of <i>Charlestown</i> , from <i>July 1784</i> , to <i>October 26, 1787</i> ,	2 0 10
To <i>Joseph Hemmenway</i> , for repairing and launching the State's boat in <i>August</i> last, certified and allowed by the selectmen of <i>Boston</i> ,	13 10 0
To <i>Joseph Brown's</i> two bills, for boarding <i>Benjamin</i> and <i>Anna Brown</i> , the poor of <i>Charlestown</i> , from <i>March 4, 1785</i> , to <i>October 1, 1787</i> ,	40 4 0
To the selectmen of <i>Leicester</i> , on account of <i>Thomas Smith</i> , State's poor, from <i>10th of May</i> , to the <i>24th, 1787</i> , with Doctors bills,	3 13 6
To the selectmen of <i>Lynn</i> , for boarding <i>Richard Hunnewell</i> , aged 74, and very infirm, his daughter aged 35, also infirm, and <i>Mary Gibson</i> , aged 47, and exercised with fits, from the first of <i>July 1787</i> , to the 4th of <i>November, Charlestown</i> poor,	17 2 0
To the town of <i>Billerica</i> , for boarding <i>Jane Wood</i> , one of the State's poor, from the <i>27th of November 1786</i> , to the <i>21st of August 1787</i> ;	10 9 7
To General <i>John Fellows</i> , as the balance of his account, from <i>November 30, 1782</i> , to <i>October 24, 1783</i> , all receipts and certificates being examined, and the Committee for methodizing accounts being consulted; said <i>Fellows</i> acting as a Commissioner, &c.	28 1 0
To <i>Timothy Edwards</i> , Esq; as Agent on <i>York</i> line, in the year 1786, for his services, and cash advanced, from the <i>20th of June</i> , to the first of <i>October</i> ,	73 18 3
To the Overseers of the Alms-House, in the town of <i>Boston</i> , for supporting a large number of the poor of the Commonwealth, from <i>March the 1st, 1787</i> , to the first of <i>September</i> ,	1896 8 6½
To <i>Samuel Partridge</i> , Master of the said Alms-House, for his trouble in taking care of the Commonwealth's poor, mentioned in the Overseers account, and during the same term, and agreeable to the usual allowance,	98 3 11½
To <i>Adams</i> and <i>Nourse</i> , Printers to the Commonwealth, for paper and printing, to the <i>27th of May, 1787</i> , carefully examined,	608 9 10
To <i>John Russell</i> , Printer, for printing and publishing, by order of government, from <i>March 6th, 1787</i> , to <i>July, 17th</i> ,	23 16 6
To Doctor <i>Whiting's</i> several bills, for medicines, visits and supplies, on account of the western army in <i>February, March, April</i> and <i>May</i> last,	22 19 6
To the town of <i>Powmalborough</i> , for Doctor's bills in 1785, 1786 and 1787, and for boarding and supplies, to the <i>24th of January, 1787</i> , on account of <i>James Smith, Daniel</i> and <i>Cornelius Sullivan</i> , and <i>John Washington</i> , State's poor,	32 4 8
To <i>Paul Revere</i> , a sum allowed in 1785, and an order given by the then Committee on accounts, but not answered, for engraving, &c.	11 0 0

To the selectmen of <i>Natick</i> , for boarding <i>Iaac Nichols</i> , from the 15th of <i>June</i> , 1787, to the 26th of <i>October</i> ; and for boarding two Indian infants the same term, being the poor of the Commonwealth,	£.13 15 0
To the town of <i>Haverhill</i> , for boarding <i>Elizabeth Hooper</i> , one of the poor of <i>Charlestown</i> , from the 22d of <i>February</i> , 1787, to the 4th of <i>October</i> ,	16 4 0
To <i>Oren Smith</i> , for forwarding dispatches, in <i>February</i> , 1787, by order,	1 7 0
To Doctor <i>William Tanner</i> , for services, visits and medicines on account of the western army, in <i>May</i> , <i>June</i> , <i>July</i> and <i>August</i> last,	9 13 3
To an allowance made to <i>John Wheeler</i> , a soldier in the western army, in <i>Capt. Howe's</i> company, and <i>Col. Stearns's</i> regiment, for a debt contracted by sickness, in <i>February</i> last, nursing and Doctor's bill,	1 12 0
To <i>Elizabeth Johnson</i> , for boarding <i>Anna Rand</i> , <i>Lydia Hood</i> , <i>Elizabeth Whittemore</i> , with her own board, which has been always allowed, from <i>February</i> 11, 1787, to <i>October</i> 21, the poor of <i>Charlestown</i> ,	48 12 0
To the town of <i>Bedford</i> , for boarding <i>James Ingalls</i> , one of the State's poor, from the 20th of <i>February</i> 1787, to the 2d of <i>November</i> ,	14 19 4
To Doctor <i>Danforth's</i> bill, for visits and medicines, on account of said <i>James Ingalls</i> , in <i>March</i> , <i>April</i> , <i>May</i> and <i>June</i> last,	2 2 7
To the selectmen of <i>Charlestown</i> , for supplying a large number of the poor of <i>Charlestown</i> , from <i>January</i> 1, 1787, to <i>July</i> the first,	299 8 4
To another account from the same selectmen, and on account of the same persons, from the first of <i>July</i> , to the first of <i>October</i> last,	150 8 10
To <i>Nathaniel Coverly</i> , for printing in 1785 and 1786, Resolves of the General Court,	3 12 0
To <i>Capt. Phineas Jones</i> , <i>Lieut. Loring</i> , and <i>Lieut. Joseph Washburne</i> , for 21 days in public service, with rations, under <i>General Lincoln</i> , and for which they have received no pay,	9 8 10
	£. 4063 1 8½

Read and accepted, and thereupon

Resolved, That the Governour with the advice of Council be, and is hereby requested, to issue his warrant on the Treasury, for the payment of the several persons, borne on this roll, the sums set against their names respectively, amounting in the whole to four thousand and sixty-three pounds, one shilling and eight pence one farthing.

LXX.

Resolve on the petition of *Gilbert Dench*, taxing the tenants of the lands in *Hopkinton* and *Upton*, and directing the monies to be paid into the Treasury, and to pay the quit rents into the hands of the Treasurer of the trustees. *November* 14, 1787.

On the petition of *Gilbert Dench*, in behalf of the Trustees and tenants of the College lands, so called, in *Hopkinton* and *Upton*, praying that the monies arising from the quit rents of the said land, should be paid into the Treasury of the Commonwealth by the said tenants:

Resolved, That the tenants of the lands in *Hopkinton* and *Upton*, held under the Trustees of the donation of *Edward Hopkins*, Esq; be henceforward taxed in common with other inhabitants of this Commonwealth, in the same manner as tho' the said lands were held by them in fee simple, and that the monies arising therefrom, be paid into the Treasurer of this Commonwealth, who is hereby directed to pay the quit rents aforesaid, into the hands of the Treasurer of the said Trustees, on the 25th of *March* annually, in gold or silver, and take duplicate receipts therefor, one of which shall be lodged in the the Secretary's office, any resolve to the contrary notwithstanding:

LXXI.

Resolve on the petition of *Timothy Goodale*, to notify the adverse party to shew cause, &c. *November* 15, 1787.

On the memorial of *Timothy Goodale*, of *Athol*, setting forth that he has had his estate seized and taken from him, by means of an execution in favor of *Ebenezer Rockwood*, which execution is represented to have been obtained by fraud, and praying for a new trial :

Resolved, That the prayer of the said memorial be so far granted, that the said *Goodale*, notify the said *Rockwood*, by serving him with an attested copy of his memorial and of this resolve, at least thirty days previous to the second Wednesday, of the next setting of the General Court, that he may appear and shew cause, if any he has, why the prayer of this memorial should not be granted, and that execution be stayed in the mean time.

And be it further *Resolved*, That the said *Timothy Goodale*, shall improve his real estate until the final determination of this Court, with regard to a new trial, it having been taken by virtue of an execution notwithstanding.

LXXII.

Resolve on the petition of *John Langdon* and *Sarson Belcher*, directing the Treasurer to receive of them a sum in government notes in discharge of their bond. *November 15, 1787.*

On the petition of *John Langdon* and *Sarson Belcher*, praying that the Treasurer may be directed to suspend any process against them, on account of a bond which they signed in the year 1782, with *James Jauncy*, and *Nathaniel Cudworth*, auctioneers, to secure the payment of *one per cent.* duty, &c. as is fully set forth in their petition :

Resolved, That the prayer thereof be so far granted, that the Treasurer of this Commonwealth, be, and he is hereby directed and empowered, to receive of the said *John Langdon* and *Sarson Belcher*, the sum of *thirty-five pounds three shillings and four pence two farthings* in government notes of this Commonwealth, in full discharge of the said bond, and that any process that has been made on the said bond be stayed, they paying all cost, that hath heretofore arisen on the said bond.

LXXIII.

Resolve on the petition of *Joseph Boyd*, directing the Treasurer to credit the town of *Bristol*, the sum mentioned, and to recall the execution. *November 15, 1787.*

On the petition of *Joseph Boyd*, setting forth that the Treasurer of this Commonwealth, has issued an execution against him as Collector of the town of *Bristol*, for a deficiency of *four hundred, eighteen pounds and nine pence*, stated to be the balance due from him, on the State tax, prior to No. 4 : And whereas it appears, that by a resolve of the General Court, passed the twelfth day of *November* seventeen hundred and eighty-four, the assessors of the said town of *Bristol*, were directed to assess on the inhabitants thereof, the sum of *seven hundred ninety-three pounds, ten shillings*, in lieu of all the taxes, assessed previous to the said year, and that all the warrants issued before that time, should be recalled, that all monies paid in subsequent to the first day of *June*, in the same year, should be credited in part thereof :

And whereas, on the twelfth day of *May*, in the same year, *Jacob Dockindorf*, another of the Collectors of the said town, paid in the sum of *one hundred thirty-eight pounds, six shillings and eight pence*, and doubts have arisen, whether the said last mentioned sum, ought to be carried to the credit of the said town ; for removing of which,

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed, to credit the town of *Bristol*, the said sum of *one hundred thirty-eight pounds, six shillings and eight pence*, in part of the sum of *seven hundred ninety-three pounds, ten shillings*, ordered to be assessed by the resolution of the General Court, passed the twelfth day of *November*, one thousand seven hundred and eighty-four, any thing to the contrary in the said resolve, notwithstanding.

And it is further

Resolved, That the Treasurer be, and hereby is directed to recall the execution by him issued, against the said *Joseph Boyd*.

Resolve

LXXIV.

Resolve on the petition of the selectmen of the town of *Templeton*, directing the Clerk of the Court of Common Pleas, to remit the sum mentioned, and assess the same on the town of *Gerry*. November 15th, 1787.

Upon the petition of the Selectmen of the town of *Templeton*, setting forth that in the assessment of the county tax, for the county of *Worcester*, granted by the General Court last *March*, the sum of *thirty-five pounds, one shilling and four pence*, was assessed upon the inhabitants of the said *Templeton*, which proportion of assessment, was too great by one third, since the incorporation of the town of *Gerry* :

Therefore,

Resolved, That the third part of the sum aforesaid, be assessed upon the inhabitants of the town of *Gerry*, and the Clerk of the Court of Common Pleas, for the county aforesaid, is hereby ordered and directed, to remit to the inhabitants of the town of *Templeton*, the one third part of the said sum of *thirty-five pounds, one shilling and four pence*, and assess the same upon the inhabitants of the town of *Gerry*.

LXXV.

Resolve on the petition of *Joseph Adams*, grant to, provided he give his obligation conditional, &c. November 15, 1787.

On the petition of *Joseph Adams* of *Lincoln*, praying for an order upon the Treasury of this Commonwealth for *seventy-five pounds*, it being a sum allowed to *Love Adams*, wife of Doctor *Joseph Adams*, an Absentee, as her *dower*, she since is gone to *Europe* ; for reasons set forth in said petition,

Resolved, That the prayer thereof be granted, and that there be allowed and paid out of the Treasury of this Commonwealth, to the said *Joseph Adams*, the petitioner, the said sum of *seventy-five pounds*, provided the petitioner give his obligation to the Treasurer in the penal sum of *one hundred and fifty pounds*, conditioned for the repayment of so much of the said sum, as the said *Love Adams* may be intitled to receive, in case she returns to *America*.

LXXVI.

Resolve on the petition of *Daniel* and *Ebenezer Withington*, declaring null and void the judgment by default, and giving liberty to *Gilham Taylor*, to enter his action at the Court of Common Pleas, at *Boston*. November 15, 1787.

Upon the petition of *Daniel Withington* and *Ebenezer Withington*, the fourth, both of *Dorchester*, praying that a judgment recovered against them, by default in an action commenced by *Gilham Taylor*, of the said *Dorchester*, against them and one *Phillip Withington*, before *Thomas Crafts*, Esq; one of the Justices assigned to keep the peace within and for the county of *Suffolk*, on the fourth day of *October* last, on the confession act, may be set aside, and that the petitioners may have an opportunity to defend the same at the next Court of Common Pleas, to be held in the county of *Suffolk*, as if no such default had happened, if the said *Taylor* see cause to prosecute his said action :

Resolved, That the aforesaid judgment by default be, and the same hereby is declared to be null and void, and that the said *Gilham Taylor*, have liberty to enter his said action at the Court of Common Pleas, next to be holden at *Boston*, within and for the county of *Suffolk*, if he see fit ; and the said defendants shall be considered in the same situation as if they had appeared before the said Justice and refused to confess or repair the damage of the plaintiff, agreeably to the law ; and the said Justice shall certify a copy of the proceedings before him, at the said *Taylor's* request, as if the said *Taylor* had formally notified the petitioners in the presence of the said Justice, that the said action would be carried and entered at the said Court of Common Pleas, and the said petitioners shall cause the said *Taylor* to be served with a copy of this resolve at least fourteen days before the sitting of the said Court.

LXXVII.

Resolve on the petition of *John Webber*, empowering him to sell the real estate mentioned. November 15, 1787.

On the petition of *John Webber* :

Resolved, That the said *John Webber*, be, and he is hereby authorized to sell so much of the real estate of *John Whitmore*, of *Medford*, in the county of *Middlesex*, gentleman, deceased, as will raise the sum of *one hundred pounds*, and give the purchaser or purchasers a good deed or deeds for the same, the said *Webber* first giving bond with sufficient sureties to the Judge of Probate for the said county of *Middlesex*, conditioned that he will observe the rules prescribed by law, for executors and administrators in the sale of real estate and the disposition of the proceeds of the said sale.

LXXVIII.

Resolve on the petition of *Samuel Mather* and others, Justices of the Peace in the county of *Hampshire*, authorizing the Justices of the Supreme Judicial Court, to audit, examine and allow such accounts as shall be exhibited by them. *November 16, 1787.*

Upon the petition of *Samuel Mather*, and other Justices of the Peace within and for the county of *Hampshire*, setting forth that on complaint made against *Adnah Sackett*, and others, for making and uttering divers species of counterfeit silver coin, and making divers tools and instruments, for counterfeiting the same, they the said Justices, after the said persons were apprehended, opened a Court of enquiry for hearing and examining the witnesses, &c. and that sundry days were spent, and great expence accrued in exertions to detect and bring to punishment, such persons as were concerned in perpetrating the said crime, praying for reasonable allowance for time and expences, as set forth in the said petition :

Resolved, That the prayer of the said petition be so far granted, that the Justices of the Supreme Judicial Court be, and they hereby are fully authorized and empowered to audit, examine and allow such accounts as shall be exhibited by the Justices aforesaid, in like way and manner as they the said Justices might or could have done, had the said criminal prosecutions been carried to final issue and effect.

LXXIX.

Resolve establishing the pay of the members of the General Court, the present session. *November 16, 1787.*

Resolved, That there be allowed, and paid to the members of the Honourable Council, *eight shillings*, for each day's attendance ; to the members of the Honourable Senate, *seven shillings and six pence* ; and to the members of the House of Representatives, *seven shillings*, and the same pay for travel that has been usually allowed.

And it is further *Resolved*, That there shall be allowed and paid out of the public treasury, to the Honourable *Samuel Adams*, Esq; President of the Senate, and to the Honourable *James Warren*, Esq; Speaker of the House of Representatives, each, the sum of *six shillings* per day, for every day's attendance on the General Court, the present session, over and above their respective pay as members thereof.

LXXX.

Resolve allowing the county Treasurer's accounts for the county of *York*, and granting a tax to be assessed on the inhabitants. *November 16, 1787.*

Whereas it appears upon examination of the settlement of accounts between the General Sessions of the Peace, for the county of *York*, and the Treasurer of the said county, on the ninth day of *October*, *A. D. 1787*, that all the money granted and allowed by the said Court of General Sessions of Peace, for the year past, were for such purposes and appropriations as by law the said Court were empowered to grant : Therefore

Resolved, That the said accounts be accepted and allowed.

And whereas it appears from an estimate of the Justices of the said Court, made at their General Session on the second Tuesday of *October*, *A. D. 1787*, that the sum of *one hundred and thirty pounds*, will be necessary for defraying the charges for the said county for one year next ensuing : Therefore

Resolved;

Resolved, That there be, and hereby is granted a tax of *one hundred and thirty pounds*, to be apportioned on the polls and estates of the inhabitants of the said county of *York*, and assessed, collected and applied according to the laws of this Commonwealth.

LXXXI.

Resolve on the petition of *Abiel Peirce*, directing the Treasurer to stay execution against him. *November 17, 1787.*

On the petition of *Abiel Peirce*, of *Middleborough*, Constable, setting forth that he received for continental tax No. 1, committed to him to collect a security signed by *Samuel Hilgas*, and countersigned by *Nathaniel Appleton*, Commissioner, dated *September 13th, 1777*, on interest, to the amount of *ninety pounds*, which the Sheriff will not take to satisfy said execution :

Resolved, That the Treasurer of this Commonwealth be, and hereby is directed to stay execution against the said Constable, until the first day of *March* next, for reasons set forth in the said petition, and that the Sheriff of *Plymouth* county, govern himself accordingly.

LXXXII.

Resolve granting *£. 2500* to *Amasa Davis*, Esq; Q. M. G. in addition to former grants, to compleat the settlement of the accounts against the Commonwealth. *November 17, 1787.*

On the representation of *Amasa Davis*, Esq; Quarter-Master-General, that the sum of *two thousand five hundred pounds*, in addition to the sum he has already received, will be necessary to compleat the settlements he is directed to make in his department.

Resolved, That there be paid out of the public treasury to *Amasa Davis*, Esq; Quarter-Master-General, the sum of *two thousand five hundred pounds*, of the monies arising from the specie part of tax No. 5; the said *Amasa Davis*, Esq; being accountable for the disposal of the same:

LXXXIII.

Resolve allowing the county Treasurer's account for the county of *Bristol*, and granting a tax for defraying the charges of said county. *November 17, 1787.*

Whereas it appears to this Court by the representation of the Justices of the Court of General Sessions of the Peace for the county of *Bristol*, that the monies granted and allowed by the said Court, were expended for such purposes as are authorized by law :

Therefore *Resolved*, That the said accounts be allowed. And whereas it appears by the estimate of the said Court, of General Sessions of the Peace, for the county of *Bristol*, *September* term, A. D. 1787; that the sum of *four hundred pounds*, is necessary to be raised for defraying the charges of the said county the present year :

Therefore *Resolved*, That there be, and hereby is granted a tax of *four hundred pounds*, to be apportioned and assessed on the polls and estates of the inhabitants of the said county of *Bristol*, and applied to the use thereof according to the laws of this Commonwealth.

LXXXIV.

Resolve directing the Q. M. G. to settle the accounts exhibited by Selectmen, for the ammunition furnished by order of government. *November 17, 1787.*

Resolved, That the Quarter-Master-General be, and he is hereby directed to settle the accounts, which may be exhibited by the Selectmen of any town or district in this Commonwealth, for the ammunition furnished by orders of government to either their, or the militia of any other town or district; rating the several articles of ammunition at the current value of such articles in the particular place in which they were furnished ; and the Quarter-Master-General is hereby directed to govern himself accordingly.

LXXXV.

Resolve on the petition of *George Williams*, directing the Treasurer to give his note or notes, in behalf of this Commonwealth, on interest, for the balance due for the ships mentioned. *November 17, 1787.*

On the petition of *George Williams*, praying for payment of the balances due to him and others, for the ships *Black-Prince* and *Hector*, lost at *Penobscot*.

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed to give his note or notes, in behalf of this Commonwealth, on interest, and payable for one moiety of the balances due for the ships aforesaid, in six months, and the other moiety in eighteen months; and the Treasurer aforesaid, is further directed to pay the interest on the said balances from the time of their adjustment, to the date of the notes; in the same manner as he pays the interest on the consolidated notes of this Commonwealth, provided the said *Williams* shall give final discharges for the aforesaid balances, and furnish the committee for stating and methodizing the accounts of this Commonwealth, with proper vouchers to support a charge against the United States for the amount of the two ships aforesaid.

LXXXVI.

Resolve on the petition of *James Hildrith*, to notify the adverse party to shew cause, &c.
November 17, 1787.

Upon the petition of *James Hildrith*, setting forth that in an action brought against him by *David Wheeler*, of *Concord*, at a Court of Common Pleas holden at *Groton*, in *May, 1786*, and also another action brought against him by *Ephraim Hildrith* before *Ebenezer Champney*, Esq; of *Groton*; and praying that the judgments on the said actions may be set aside and new trials granted, for reasons set forth in the petition:

Resolved, That the said *James Hildrith* notify the said *David Wheeler*, and *Ephraim Hildrith*, to shew cause, if any they have, on the second Wednesday, of the next sitting of the General Court, why the prayer of the said petition should not be granted, by causing them to be served with an attested copy of this petition and order thereon, fourteen days before the said second Wednesday, and that executions be stayed in the meantime.

LXXXVII.

Resolve on the petition of *Hezekiah Fay*, directing the Treasurer to discharge the execution.
November 17, 1787.

On the petition of *Hezekiah Fay*, of *Southborough*, in the county of *Worcester*, Constable for the year 1780, praying that an execution for the sum of *seventeen pounds nineteen shillings and three pence*, silver money, issued by *Thomas Ivers*, late Treasurer of this Commonwealth, be discharged, for reasons set forth in the said petition:

Resolved, That the prayer of the said petition be granted, and that the Treasurer be, and he hereby is directed to discharge the said execution.

LXXXVIII.

Resolve on the petition of *Fortune Burnee*, authorizing the guardians of the *Grafton* Indians, to sell the land mentioned. *November 19, 1787.*

On the petition of *Fortune Burnee*:

Resolved, That the prayer thereof be granted, and that *Edward Rawson*, *Willis Hall* and *Stephen Maynard*, Esq's, guardians to the *Grafton* Indians, be, and they are hereby authorized and empowered to sell sixteen acres and one hundred poles of land mentioned in the said petition, for the most the same will fetch, either by public sale or otherwise as they shall judge most expedient, and to give a good deed or deeds of the same; and they are hereby further directed to apply the monies arising by such sale to the building an house for the said *Fortune Burnee*, and no other purpose whatever.

LXXXIX.

Resolve on the petition of the purchasers in the north mills lottery, directing the managers of said lottery to proceed to the drawing of the fourth class, and in case.

November 19, 1787.

Whereas

Whereas there appears to have been unreasonable delays in the drawing the north-mills lottery : And whereas in the act authorizing and establishing the said lottery, there is no provision made for the time of drawing the same :

Be it therefore *Resolved*, That the managers of the said lottery be, and they are hereby directed to proceed to the drawing of the fourth class of the said lottery with all expedition ; and in case the said managers shall not draw the same on, or before the twentieth day of *February* next, then the adventurers shall be intitled to receive the money which they gave for their tickets respectively in the fourth class of the said lottery.

XC.

Resolve directing the Treasurer to borrow money to pay the Governour, Council, House of Representatives, Judges, &c. &c. and appropriating the specie part of the continental tax for said purpose. *November 19, 1787.*

Whereas the exigencies of this government are such as renders it necessary to borrow part of the specie tax, granted to Congress, in the year 1786 :

Be it therefore *Resolved*, That a sum sufficient for the purposes hereafter expressed, be borrowed and retained from said appropriation accordingly.

And it is further *Resolved*, That the Treasurer of this Commonwealth be, and he is empowered and directed to borrow on the credit of the specie part of the tax aforesaid, or any other fund not before appropriated, a sum sufficient to pay his Excellency the Governour, the Members of the Council, the Senate, and House of Representatives in the present Session, and also to pay the Members of the General Court, their proportion of money borrowed for the travel and attendance last Session, who did not receive it, the Justices of the Supreme Judicial Court the arrears due them, the Members of the late Continental Convention, and the Members of Congress for the year 1787, the Secretary of this Commonwealth, and the President of Harvard-College. And the better to secure reimbursement to the individuals who may loan the same, the Treasurer is hereby directed not to give any orders or drafts on the said specie tax, until the money borrowed in consequence of this resolve is repaid ; excepting what may be necessary to discharge the pay rolls of the troops lately in the service of government, and other expences in the Commissary and Quarter-Master-Generals departments, not to exceed *three thousand pounds*.

And it is further *Resolved*, That the Treasurer be, and he is hereby further directed to replace the money he may borrow from the appropriation aforesaid, out of the first money that shall be brought into the treasury from the next tax, which shall be granted for the use of this government.

XCI.

Resolve on the petition of *Timothy Cutler*, appointing a committee to ascertain the value of the land mentioned. *November 20, 1787.*

On the petition of *Timothy Cutler*, praying that compensation be made him for a tract of land containing five hundred acres, which he purchased of one *John Wiswall*, who held the same under an incompleat grant of the government of the late Province of the *Massachusetts-Bay*, and which has been since granted under the authority of this Commonwealth to other persons : Therefore

Resolved, That Mr. *Nason*, Mr. *Fox* and Mr. *Noyes*, be a Committee to ascertain the value of the said tract of land, and that the petitioner be permitted to lay out so much of the unappropriated lands within this Commonwealth, as the said Committee shall judge to be a reasonable compensation for the damage he has sustained, the said Committee to make report of their doings to the Committee that is or may hereafter be appointed for the sale of eastern lands, who are authorized and empowered to make a deed of the same to the said *Timothy Cutler*, which when duly executed and recorded, shall completely vest the lands therein described in the said *Timothy Cutler*, his heirs and assigns forever.

XCII.

Resolve on the petition of the plantation of *Lewisston*, appointing a committee to view their circumstances, and report. *November 20, 1787.*

On the petition of the plantation of *Lewisstown*, in the county of *Lincoln*, setting forth their inability to pay public taxes, and praying that a Committee may be sent to view their circumstances, and that the executions against them may be stayed :

Resolved, For reasons set forth in the said petition, that *Mr. Thacher*, *Mr. Merril* and *Mr. Sylvester*, be a Committee to repair to the said plantation to view their circumstances, at the expence of the said plantation, and report at the next setting of the General Court, and that the executions against the said plantation be stayed in the mean time.

XCIII.

Resolve directing the Secretary to give certificates for the payment of the beef tax. *November 20, 1787.*

Whereas the time is expired wherein the Secretary was directed to give certificates relative to the payment made upon the beef tax so called :

Resolved, That the Secretary be, and he hereby is ordered and directed to give certificates of the payment made as aforesaid ; and that the said certificates be received at the Treasurer's office and credited as heretofore, any law or resolution to the contrary notwithstanding.

XCIV.

Resolve on the petition of *Thomas Clarke* and *John Read*, directing the Treasurer to suspend issuing execution against the assessors of the town of *Roxbury*. *November 20, 1787.*

On the petition of *Thomas Clarke* and *John Reed*, Esq's. representing that *James White*, who was chosen Collector for the town of *Roxbury*, for the year 1783, has absconded, leaving a large balance due on State tax No. 3, in consequence of which the Treasurer of the Commonwealth, has issued a *scire facias*, against the assessors of the said town, and praying that execution may be stayed, for reasons set forth in the said petition :

Resolved, That the prayer thereof be so far granted, that the Treasurer of this Commonwealth be, and he hereby is directed to suspend issuing executions against the assessors of the said town of *Roxbury*, for the term of six months from the passing of this resolve, any law to the contrary notwithstanding.

XCV.

Resolve on the petition of *James Swan*, declaring void a judgment rendered by default against him, and empowering *Andrew Brimmer*, attorney to *Emanuel Elam*, to enter the action at the next Court of Common Pleas holden at *Boston*, and said *Swan* to notify said *Brimmer* thereof ; and repealing a resolve passed *October* last. *November 20, 1787.*

On the petition of *James Swan*:

Resolved, That the judgement rendered by default against *James Swan*, on the ninth day of *August* last past, before *Thomas Crafts*, Esq; in favor of *Emanuel Elam*, and the execution issued thereon, be, and hereby are declared void ; and that *Andrew Brimmer*, attorney to the said *Emanuel Elam* be, and he hereby is empowered to enter the action of the said *Emanuel Elam*, against the said *James Swan*, at the next Court of Common Pleas to be holden at *Boston*, within and for the county of *Suffolk*, on the first Tuesday of *January* next, and to produce all the papers and evidence filed in the said case, in the same manner as by law he might if the said *James Swan* had appeared before the said *Thomas Crafts*, Esq; and denied the demand of the said *Elam* ; and further, that the said *James Swan*, give notice to the said *Andrew Brimmer*, attorney as aforesaid, by serving him with an attested copy of this resolve fourteen days at least before the said first day of *January* next, and pay the cost which have already arisen ; and the Justices of the said Court of Common Pleas are hereby authorized to take cognizance of the said action, as if the same came before the said Court in the ordinary course of law.

Resolved,

Resolved further, That the resolution of the General Court, of the nineteenth of October last, upon the petition of the said *James Swan*, be, and hereby is repealed.

XCVI.

Resolve on the petition of *Ezra Phillips*, directing the Treasurer to issue another note, he giving bond, &c. November 20, 1787.

On the petition of *Ezra Phillips*, setting forth that on the first day of September, one thousand seven hundred and eighty-three, he received from the Treasurer a consolidated note payable to him or bearer, for the sum of *twenty-eight pounds five shillings and eight pence*, and that some time afterwards in the same month, the said note was by unavoidable accident lost.

Resolved, That the Treasurer be, and he hereby is directed to issue to the said *Phillips*, another note of the same date, and for the same sum, the said *Phillips* giving good and sufficient bonds with sureties, to indemnify and save harmless this Commonwealth from the note lost as aforesaid.

XCVII.

Resolve granting a tax to the county of *Suffolk*. November 21, 1787.

Whereas it appears by the representation of the Justices of the Court of General Sessions of the Peace for the county of *Suffolk*, made on the third Tuesday of April, Anno Domini 1787, that the sum of *six hundred pounds*, is necessary for discharging part of the debt due from the said county of *Suffolk*, to the heirs of *Ezekiel Goldthwait*, Esq; deceased, and that a further sum is necessary for defraying the charges of the said county, the present year : Therefore

Resolved, That there be, and hereby is granted a tax of *three thousand pounds*, to be apportioned and assessed on the polls and estates of the inhabitants of the said county, which shall be applied, *six hundred pounds* thereof, for the purpose of discharging a part of the debt due to the heirs of *Ezekiel Goldthwait*, Esq; deceased, and the remaining sum of *two thousand four hundred pounds*, for the use of the said county, according to the laws of this Commonwealth.

XCVIII.

Resolve on the petition of *John Jennings*, in behalf of the town of *Ludlow*, authorizing the assessors to assess the sum mentioned. November 21, 1787.

Upon the petition of *John Jennings*, in behalf of the town of *Ludlow*, setting forth that by a mistake a warrant was sent from the treasury-office to the assessors of the said town, directing them to assess a certain proportion of tax No. 2, upon the polls and estates of the said town, which was assessed accordingly, and which was less than it ought to have been, and that afterwards the Treasurer discovered the mistake and sent another warrant for *forty-four pounds thirteen shillings and four pence*, over and above the former warrant, and praying that further time may be allowed the said town to discharge the said tax, and that the same may be assessed upon the estates of the inhabitants of the said town exclusive of the polls :

Resolved, That the prayer of the said petition be granted, and that the assessors of the said town be, and they are hereby authorized and directed to assess the aforesaid sum of *forty-four pounds thirteen shillings and four pence*, upon the estates of the said inhabitants and that they be allowed the term of three months from the date hereof to discharge the same, and the Treasurer is directed to take notice hereof accordingly.

XCIX.

Resolve on the petition of *John Jenks*, to notify, to shew cause. November 21, 1787.

On the petition of *John Jenks*, setting forth that judgment was rendered against him in favor of *Samuel Miller*, of *Adams*, at the Session of the Supreme Judicial Court in the county of *Berkshire*, in *March* last, and praying for relief, for reasons set forth in the said petition, and for a new trial :

I

Resolved,

Resolved, That the said *Jenks*, serve the said *Miller* with a copy of his petition and this resolve, fourteen days before the second Wednesday of the next session of the General Court, to shew cause why the prayer of the said petition, should not be granted, and that execution on the aforesaid judgment, in the mean while be stayed:

C.

Resolve on the petition of *Betty Ephraim*, one of the *Natick* Indians. November 21, 1787.

On the petition of *Betty Ephraim*, one of the *Natick* Indians, praying for some provision for her support :

Resolved, That the guardians of *Natick* Indians provide suitable support for the said petitioner, and lay their accounts therefor before the committee of accounts for their allowance.

CI.

Resolve directing the Secretary to record the agreement entered into by the agents of this Commonwealth, and the State of *New-York*. November 21, 1787.

On the Governour's Message respecting the proceedings of Commissioners appointed to run the line between this Commonwealth and the State of *New-York*, eastward of *Hudson's-River* :

Ordered, That the agreement entered into by the agents of this Commonwealth, and the State of *New-York*, on the 21st day of *July* last, be recorded by the Secretary of this Commonwealth, and that the said agreement with the papers accompanying it, be filed in the Secretary's office:

CII.

Resolve on the petition of the Selectmen of the town of *Natick*, for staying execution. November 21, 1787.

Upon the petition of the Selectmen of the town of *Natick*, praying for a discharge of an execution against the said town, for the reasons set forth in the petition :

Resolved, That the prayer of the petition be so far granted, that the said execution be stayed till the next session of the said General Court, and that the Sheriff of the said county of *Middlesex*, be, and he is hereby ordered to cause the said execution to be stayed accordingly.

CIII.

Resolve granting to *John Tucker*, Esq; Clerk to the Supreme Judicial Court, £.50 and authorizing the Treasurer to borrow the same. November 21, 1787.

On the petition of *John Tucker*, one of the Clerks of the Supreme Judicial Court, praying an allowance for services in his said office :

Resolved, That there be paid out of the public treasury of this Commonwealth, fifty pounds, to the said *Tucker*, he to account for the same, and that the Treasurer be, and he is hereby authorized to borrow the said sum, in manner and on the same funds as is provided by a resolve of the 27th of *October* last, for payment of the several Clerks in the Treasurer's and Secretary's office.

CIV.

Resolve on the petition of the Selectmen, of the town of *Cumington*, directing the Clerk of the peace for the county of *Hampshire*, to proportion a certain tax. November 21, 1787.

On the petition of the Selectmen of the town of *Cumington*, praying for a division of a county tax bill, which the Clerk of the peace for the county of *Hampshire*, sent to the said town, of four pounds fourteen shillings, bearing date the tenth day of *February*, 1784, which appears to be the proportion of the said town, and the district of *Plainfield* :

Resolved, That the proportion of the town of *Cumington*, of the aforesaid tax, is three pounds four shillings and seven pence, and the proportion of the district of *Plainfield*, is one pound

pound nine shillings and five pence, and the Clerk of the Peace for the county of *Hampshire*; is hereby directed to govern himself accordingly.

CV.

Resolve on the memorial of *John Lucas, Esq;* Commissary of pensioners. November 21, 1787.

Upon the memorial of *John Lucas*, Commissary of pensioners of the army and navy of the United States, stating that the pension list for residents within this Commonwealth, to the first of *January 1785*; amounted to *twelve thousand two hundred and fourteen pounds twelve shillings and five pence*, which in conformity to an order of this government, was then made out and transmitted to the Commissioners of the continental Treasury, and the said sum was drawn for on the Treasury of the United States, in consequence of a resolve of Congress, of *November 1782*; but the said pension list, not having been made out, in conformity to the mode prescribed by the said resolve of *November 1782*, it was not paid, and this Commonwealth in consequence thereof, has not received credit for it: Therefore

Resolved, That the Committee for methodizing public accounts be, and they hereby are directed to make charge of the aforesaid sum of *twelve thousand two hundred and fourteen pounds twelve shillings and five pence*, in behalf of this Commonwealth, against the United States, and adjust the same with the Commissioner or Commissioners, who are or may be appointed to audit the accounts of this Commonwealth, against the United States.

And it is further *Resolved*, That such part of a resolve of the General Court, of the seventeenth of *March 1786*, which directs the Treasurer of this Commonwealth, to pay to the individuals, the several sums affixed to their names respectively, on such rolls, out of the monies to be appropriated for that purpose, be repealed, and that there be paid out of the public Treasury from time to time, to the Commissary of pensioners, by grant of the General Court, sufficient to enable him to discharge the amount of his rolls of pensioners as aforesaid, the same to be charged to the United States, agreeably to a resolve of Congress, bearing date the seventh of *June 1785*.

And it is further *Resolved*, That all pensioners employed at *Castle-William*, be paid by the Treasurer of this Commonwealth, such wages only as they may be entitled to, over and above what may be due to them as pensioners, any former resolve to the contrary notwithstanding; and the Commissary of pensioners is directed to pay them their pensions respectively, in the same manner as if they were not employed as aforesaid, the same to be charged to the United States.

CVI.

Resolve on the petition of the selectmen of *Almsbury*, directing the Treasurer to credit said town for an overcharge in tax No. 3. November 21, 1787.

On the petition of the selectmen of *Almsbury*, praying for an abatement of a fine assessed on the said town, in tax No. 3, for a deficiency of nine three years men.

Whereas it appears that the said town of *Almsbury*, were overcharged to the amount of two men, and one half, by the resolve of the second of *December 1780*.

Resolved, That there be abated to the said town of *Almsbury*, the sum of *six hundred and thirty-five pounds seven shillings and five pence*, it being for the sum which the said town was overcharged in tax No. 3; and one half the average price assessed on the said town for a deficiency of six men and one half, and the Treasurer of this Commonwealth, is hereby directed to credit the said town of *Almsbury* accordingly.

CVII.

Resolve on the petition of *Samuel Parker*, executor of *Thomas Ivers, Esq;* appointing *Samuel Thwing* and *James Foster*, to examine the books, &c. and to receive the books and papers, relative to the late Board of War, and granting £.100, to the said executors, for the use of the heirs of said *Ivers*. November 21, 1787.

On the petition of *Samuel Parker*, executor of *Thomas Ivers, Esq;* the late Treasurer, praying for an allowance to said *Ivers's* heirs, and that a Committee be appointed to examine the books and papers of the said Treasurer, and to transact certain business thereon:

Resolved,

Resolved, That the prayer of the said petition be granted, and that Mess^{rs} Samuel Thwing and James Foster of Boston, be appointed to examine the books and accounts of the said late Treasurer, in order for immediate settlement.

And whereas by a resolve of the first of November 1786, a Committee was appointed to deface a certain quantity of the bills of new-emption, so called, and to burn certain notes and securities of several denominations, then in the Treasury; and whereas there remained in the Treasury a surplus thereof, over and above what the said Committee was authorized to deface and burn, as appears by report of July 6, 1787: Therefore

Resolved, That the Committee appointed the first of November 1786, be a Committee to deface the overplus of the said bills, and burn the same overplus of notes and securities, in manner pointed out by the said resolve first mentioned.

Resolved further, That the executors of the said late Treasurer be, and they hereby are directed to deliver the books and papers of the late Board of War, to the Committee for stating and methodizing the public accounts of this Commonwealth; and the said committee are hereby directed to receive the same accordingly.

And it is further *Resolved*, That the sum of one hundred pounds be paid out of the treasury of this Commonwealth, unto the executors of the said Ivers, for the use of his heirs, as a compensation for his settling the accounts of the said Board of War.

CVIII.

Resolve on the petition of Levi Thayer, declaring a judgment, and any execution issued, to be void, and granting leave to enter the action at the next Supreme Judicial Court in Hampshire, and staying judgment, November 21, 1787.

On the petition of Levi Thayer, praying for relief from a certain judgment recovered against him at a Court of Common Pleas, held at Springfield, in and for the county of Hampshire, on the second Tuesday of November 1785, by William Lyman, of Northampton, Esq; for reasons set forth in said petition, the parties having had a full hearing, and the said Lyman consenting to the said petition being granted:

Resolved, That the prayer of said petition be granted, and that the said judgment and any execution which may have been issued thereon, be, and hereby are declared null and void, and that the said action may be entered by either party at the next Supreme Judicial Court to be holden in and for the county of Hampshire, and the same proceedings had thereon, as if it had been regularly appealed from said Court of Common Pleas from a judgment there rendered, on an issue joined either in law or fact.

And it is further *Resolved*, That any judgment which may be recovered against the said Lyman, jointly or severally, by the said Thayer, on any action now instituted, be stayed until the final determination of the first mentioned action in the county of Hampshire.

CIX.

Resolve on the petition of the selectmen of the town of Gray, abating said town, £.460 out of the total amount of the taxes charged said town, and confirming a grant of land No. 9, in the 3d division, and 29 in the 1st division, made to Samuel Perly. November 21, 1787.

On the petition of the selectmen of the town of Gray, in the county of Cumberland, in behalf of the said town:

Resolved, For reasons set forth in the said petition, that there be abated to the said town of Gray, the sum of four hundred and sixty pounds, out of the total amount of the taxes which stand charged against the said town, and the Treasurer is hereby directed, to govern himself accordingly.

Resolved, That the grant of land No. 9, in the 3d division, and 29 in the 1st division, made by the said town of Gray, to Samuel Perly, Clerk, be, and hereby is confirmed to the said Samuel Perly, his heirs and assigns forever.

CX.

Resolve on the petition of John Bridgman, and others, directing the proprietors of Shepardsfield, Baker's-Town, Turner, &c. to exhibit to the General Court, the boundaries of their several claims: And the proprietors of Shepardsfield and Baker's-Town to appear and shew cause by their agents or attorneys. November 21, 1787.

On the petition of *John Bridgman*, and others, praying the General Court to grant or sell to them a tract of land laying between *Shepardsfield, Baker's-Town* and *Turner* :

Resolved, That the proprietors of *Shepardsfield, Baker's-Town, Turner, Otisfield, Raymondstown*, and *New-Gloucester*, exhibit on the second Wednesday of the next session of the General Court, the boundaries of their several claims ; and that the proprietors of *Shepardsfield* and *Baker's-Town*, appear on said day, by their agents or attorneys, to shew cause if any they have, why the prayer of the said petitioners should not be granted: And the Secretary is directed to publish this resolve in the *Portland* and *Essex* newspapers, and in the *Boston* news-papers printed by *Adams* and *Nourse*, three weeks successively.

CXI.

Resolve on the petition of *Edward Tyler*, attorney to *Elisba Tyler*, to notify the adverse party to shew cause, &c. and staying execution in the mean time. *November 21, 1787.*

On the petition of *Edward Tyler*, attorney to *Elisba Tyler*, praying that a judgment obtained against him by *Samuel Stinson*, at the last Court of Common Pleas, in *Pownalborough*, may be reversed, and that he may have a new trial.

Resolved, That the said petitioner serve the said *Stinson*, with a copy of the above mentioned petition, and of this resolve thereon, fourteen days before the second Wednesday of the next session of the General Court, that he may then shew cause why the prayer of the said petition should not be granted, and that execution issued on the said judgement be stayed in the mean time.

CXII.

Resolve discontinuing the bounty on oil after the first day of *December* next. *November 21, 1787.*

Whereas it appears that it is no longer necessary for the preservation of the whale fishery, to continue the bounty on oil granted by a resolve of the General Court, of *November 28, 1785* : Therefore

Resolved, That the bounty on oil granted by the said resolve be discontinued, from and after the first day of *December* next.

And it is further *Resolved*, That no warrants be given by the Governour and Council, in pursuance of the said resolve of *November 28, 1785*, after the said first day of *December* next, unless the selectmen signing the certificate required by the said resolve, shall further certify that the oil named in the said certificate was landed in some port or place within this Commonwealth, on or before the said first day of *December* next:

CXIII.

Resolve on the petition of *Benjamin Lincoln, jun.* Attorney to *Stephen Hussey* and *Jonathan Jenkins.* *November 22, 1787.*

On the petition of *Benjamin Lincoln, jun.* Attorney to *Stephen Hussey* and *Jonathan Jenkins*, administrators of the estate of *Abraham Pease*, deceased.

Resolved, That the action wherein *Jonathan Parker, jun.* of *Clarendon*, in the county of *Charlotte*, and State of *New-York*, was plaintiff against the aforesaid *Abraham Pease*, defendant, pending at the Court of Common Pleas, holden at *Biddesford*, in and for the county of *York*, on the second Tuesday of *October*, in the year last past, and which was through mistake defaulted at the said Court, may be brought forward and re-entered at the Court of Common Pleas, next to be holden in and for the said county, and the cause shall then and there stand open for trial between the said *Parker*, and the administrators, in the same manner as if the said action had been regularly continued from Court to Court ; and the Clerk of the said Court, is directed to re-enter the same ; and the said Court are authorized and directed to proceed thereon accordingly :

And be it further

Resolved, That the judgment recovered upon the default of the said *Pease*, and all proceedings thereon, be suspended.

Be it further *Resolved*, That the administrators aforesaid, serve *Ebenezer Sullivan* of *Berwick*, in said county of *York*, Esq; the said *Parker's* Attorney in the suit aforesaid, with an attested copy of the said petition and this resolve, fourteen days at least before the next sitting of the next Court of Common Pleas, to be holden in and for the said county of *York*.

CXIV.

Resolve on the petition of *James Perry*, Esq; grant to. *November 22, 1787.*

On the petition of *James Perry*, Esq; praying that he may receive a sum of money, which appears to be due to him, for purposes mentioned in his petition.

Resolved, That there be allowed and paid out of the public Treasury of this Commonwealth, to the said *James Perry*, the sum of *twenty-one pounds one shilling and six pence*, in full of the balance due to the said *James Perry*, on account of money he paid to *Joseph Davis*, for boarding a *French Priest*, a linguist, and three Indians, in the year 1781.

CXV.

Resolve on the petition of the selectmen of *Georgetown*, in the county of *Lincoln*, confirming the doings of the said town respecting their beef tax, and directing *Samuel McCobb*, Agent, to account with the Treasurer, for monies and beef he received in consequence of an assessment, and directing the Collectors to account. *November 22, 1787.*

On the petition of the selectmen of *Georgetown*, in the county of *Lincoln*, praying that an execution which has issued against the said town, for the sum of *four hundred seventy-nine pounds sixteen and eight pence*, may be recalled.

Resolved, That the doings of the said town, respecting their assessing money in lieu of beef, which they were required to furnish, by several resolves of the General Court, that passed in the month of *December 1780*, and *June 1781*, be, and they are hereby confirmed and made valid, any irregularity in the manner of making the said assessment notwithstanding.

And it is further *Resolved*, That *Samuel McCobb*, Esq; the Agent appointed to receive beef for the use of the army, in the said county of *Lincoln*, be, and he is hereby directed to account with the Treasurer of this Commonwealth, for all monies and beef he has received in consequence of the said assessment, and the doings of the town aforesaid, respecting their procurement of beef; and the said Treasurer is directed and empowered to call upon the said *McCobb*, to account therefor accordingly.

And it is further *Resolved*, That the said Treasurer pass to the credit of the said town all monies and the amount of all beef which the said Agent has received, and shall pay in as aforesaid: And it is further

Resolved, That *Capt. John White*, *Seth Tarr*, and *Joseph Bouker*, Collectors of the said town, be, and they are hereby severally directed to account for, and pay to the Treasurer of the said town, the whole of their collections aforesaid respectively, excepting such part thereof as they have already paid to the said *McCobb*; and the Treasurer of the said town, is hereby empowered and directed to account with and receive of the said Collectors, all such monies as they have not paid as aforesaid, and if need be to issue his executions against them or either of them, returnable to himself or successor in the said office, within sixty days from the issuing thereof, for the full amount of their said collections, excepting such parts thereof, as they may have paid as aforesaid to the said Agent.

And whereas it appears, that the resolves for procuring beef, were not received until the several periods of delivering prefixed, had elapsed: Therefore

Resolved, That upon the said town of *Georgetown*, paying and accounting with the Treasurer of this Commonwealth, for the sum of *three hundred and eighty-three pounds and twelve shillings*, including all monies and beef paid the said *Samuel McCobb*, which appears to be the sum that the said town ought to have raised in lieu of beef, the same shall be received and admitted by him in full discharge for the beef required as aforesaid.

And it is further *Resolved*, That the selectmen or assessors of the said town of *Georgetown*, for the time being, are hereby fully authorized and empowered to assess upon the polls.

polls and estates of the inhabitants of the town of *Bath*, their proportionable part of *three hundred and eighty-three pounds twelve shillings*, agreeable to the valuation, by which the said town of *Georgetown* was assessed, previous to the town of *Bath* being set off from the said town of *Georgetown*, and to enforce the collection and payment of the same, by such Collector or Collectors of the said town of *Bath*, to whom such assessment may be committed, by execution or executions to be issued by the Treasurer of *Georgetown*, for the time being, if need be : And it is further

Resolved, That the said town of *Georgetown*, be allowed six months from the passing of this resolve, to complete the assessment and collection aforesaid, and to pay into the Treasury of this Commonwealth, such part of the said *three hundred and eighty-three pounds twelve shillings*, as has not been already paid in money and beef to the Agent aforesaid.

CXVI.

Resolve for ceasing the regular pay of *Amasa Davis*, Esq; *Q. M. G.* and directing him in future to keep open his office on certain days, and directing all persons to exhibit their accounts on or before the first day of *March* next, and directing the Secretary to publish this resolve: *November 22, 1787.*

Resolved, That from and after the passing this resolve the regular pay of *Amasa Davis*, Esq; Quarter-Master-General of this Commonwealth, shall cease and determine, and that he be directed in future to keep open his office on Wednesday and Thursday of each week, for the purpose of receiving and settling accounts against this Commonwealth, for services relating to his department incurred during the late rebellion, until the first day of *March*, and that all persons having accounts relating to that department, be; and they are hereby directed to settle the same before that time and the said Quarter-Master-General, is further directed, upon the completion of the said business, to lay his accounts before the General Court for allowance and payment, agreeably to law : And the Secretary of this Commonwealth, is hereby directed to publish this resolve in *Adams and Nourse's* paper, and in the papers printed in *Northampton, Springfield, Worcester and Pittsfield*, that all persons concerned may take notice and govern themselves accordingly.

CXVII.

Resolve on the petition of *Roger Haskell*, and others, members and inhabitants of the third parish in *Rochester*, empowering any Justice of the Peace for the county of *Plymouth*, on application by ten or more of the freeholders, to issue his warrant for the purposes mentioned. *November 22, 1787.*

On the petition of *Roger Haskell* and others, members and inhabitants of the third parish in *Rochester*, praying that a resolve pass the General Court, whereby the said parish may be enabled to have a parish meeting, for reasons mentioned in the said petition:

Resolved, That the prayer of the said petition be granted, and that any Justice of the Peace for the county of *Plymouth*, be, and hereby is authorized and empowered on application being made to him in writing by ten or more of the freeholders of the said parish for that purpose, to issue his warrant directed to either of the Constables of the said town of *Rochester*, directing him to notify and warn a meeting of the said parish at such time and place within the limits of said parish as he shall think proper, to chuse all parish officers for the current year, and to act on any other articles which the said freeholders shall particularly describe in their application to the said Justice; and the doings of the said meeting so warned shall be held legal and valid, as though the said meeting had been duly and legally warned in the month of *March* or *April*, any law, usage or custom to the contrary notwithstanding.

CXVIII.

Resolve on the petition of a number of towns in the county of *Lincoln*, allowing the Sheriff to return his executions respecting the beef tax, and directing the Treasurer to stay issuing executions until *March* next. *November 22, 1787.*

On the petitions from a number of towns in the county of *Lincoln* :

Resolved, That the Sheriff of the said county be, and he hereby is allowed to return the executions in his hands against the respective towns in the said county of *Lincoln*, on the beef tax, not satisfied, any resolve of the General Court to the contrary notwithstanding.

And it is further *Resolved*, That the Treasurer of this Commonwealth, be directed to stay issuing his execution against the towns in the county of *Lincoln*, for the balances due on the beef tax, until the first Tuesday of *March* next:

CXIX.

Resolve on the petition of the selectmen of the town of *Mendon*, for staying execution three months. *November 22, 1787.*

On the petition of the selectmen of the town of *Mendon*, in behalf of the said town, praying that an execution issued by the Treasurer of this Commonwealth against the said town, for taxes in the year one thousand seven hundred and eighty-three, may be stayed :

Resolved, That for reasons set forth in the said petition, the prayer thereof be so far granted that the said execution be stayed three months from the date hereof, and all persons concerned are directed to govern themselves accordingly.

CXX.

Resolve on the petition of *Mary Hall*, empowering two Justices in the county of *Suffolk*, to grant her a licence. *November 22, 1787.*

On the petition of *Mary Hall*, retailer of spiritous liquors in *Boston*, in the county of *Suffolk*, praying to obtain licence for exercising that employment in a house, to which she is about to remove :

Resolved, That any two Justices of the Peace *quorum unus*, in the county of *Suffolk*, are hereby empowered to grant her a licence for the above purpose, she obtaining the approbation of the Selectmen of the town of *Boston*, and complying with the requisition of the law.

CXXI.

Resolve on the petition of *Daniel Travis* and others, inhabitants of *Natick*, empowering the guardians to said Indians to give a good deed of the land mentioned. *November 22, 1787.*

On the petition of *Daniel Travis* and others, for the making good and valid their title to certain tracts of land purchased by the said petitioners of the *Natick* Indians, so called :

Resolved, That *Joseph Twichel*, *Joseph Curtis* and *Daniel Whitney*, guardians to the said Indians be, and they are hereby empowered, by their signing and approbating the said deeds, and seeing that the purchasers do pay the real value of the said lands to the said Indians, if not already paid, with all necessary charges, that then the said purchasers title to be good and valid to all intents and purposes, any law, usage or custom to the contrary notwithstanding.

CXXII.

Resolve on the petition of *David Pixley*, grant to. *November 22, 1787.*

On the petition of *David Pixley*, praying for allowance for his service as Deputy-Quarter-Master-General, the last winter :

Resolved, That there be allowed and paid out of the public Treasury of this Commonwealth, to the said *David Pixley*, eight pounds, out of the specie part of the tax granted in *March* 1786, appropriated for the payment of the army employed in quelling the late rebellion, in full for his services as aforesaid, and expences.

Resolve

CXXIII.

Resolve in favor of the Clerks of the Senate and House of Representatives, granting them £.40 each. *November 22, 1787.*

Resolved, that there be allowed and paid out of the public Treasury, to Mr. *Samuel Cooper*, Clerk of the honourable Senate, and *George Richards Minot*, Esq; Clerk of the House of Representatives, *forty pounds* each, on account of their services the present year.

CXXIV.

Resolve on the petition of *John Jennings*, in behalf of *Jonathan Burr*, directing the Treasurer to receive the continental dollars mentioned. *November 22, 1787.*

Upon the petition of *John Jennings*, in behalf of *Jonathan Burr*, setting forth that the said *Burr*, was appointed Collector of old continental money taxes, and that he received in part payment of the said taxes, *eight hundred and eight continental dollars*, which he now has on hand, praying for reasons set forth in the said petition, that the Treasurer may be authorized to receive the same.

Resolved, That the prayer of the said petition be granted, and the Treasurer is hereby ordered and directed to receive the said continental dollars, and receipt the same in like way and manner as heretofore he might or could have done, any law or resolution to the contrary notwithstanding.

CXXV.

Resolve empowering two Justices of the county of *Worcester*, one of whom to be the Clerk of the Court of General Sessions, to grant licences to innholders or retailers, provided. *November 22, 1787.*

Resolved, That two Justices of the Peace within and for the county of *Worcester*, one of whom to be the Clerk of the Court of General Sessions of the Peace, be, and they hereby are authorized and empowered to grant licence, to any innholders or retailers of spiritous liquors, in said county; provided such innholders or retailers, shall produce to the said Justices a certificate from the Collector of Excise, of the said county, certifying that they have settled their excise account with him agreeably to law, and provided also, that the said innholders and retailers shall have complied with the requisitions required by law, for regulating licenced houses within this Commonwealth.

CXXVI.

Resolve for repealing a resolution of the 6th instant, respecting the Q. M. G. and requiring him to settle the accounts exhibited for ammunition furnished by order of government. *November 22, 1787.*

Whereas by a resolution of the 6th instant, the Quarter-Master-General, is empowered and directed to settle any accounts which may be exhibited by the selectmen of any town or district in this Commonwealth, for ammunition supplied by order of government, to any of the militia in actual service, without limitation of time.

It is therefore *Resolved*, That the said resolution of the sixth instant, be, and hereby is repealed.

And it is further *Resolved*, That the Quarter-Master-General, be, and he hereby is required and directed, to settle the accounts which may be exhibited by the selectmen of any town or district in this Commonwealth, for the ammunition furnished by the orders of government, since the first day of *July*, one thousand seven hundred and eighty-six, to either their or the militia of any other town or district, rating the several articles at their current value, in the particular place they were furnished, and the Quarter-Master-General is hereby directed to govern himself accordingly.

CXXVII.

Resolve on the petition of *John Patten* and others, appointing a Committee of *both Houses*, to proceed to the town of *Bowdoinham*, and view the premises and report. *November 22, 1787.*

On the petition of *John Patten* and others, praying to be disconnected from the town of *Bowdoinham*, to which at present they belong, and annexed to the town of *Topsham*, for reasons set forth in their petition.

Whereas the parties concerned, have mutually agreed, that a Committee be appointed to proceed to the spot mentioned in the said petition, and view the premises, and report their opinion of the propriety of granting the prayer of the said petition.

Resolved, That *Ezekiel Patten*, Esq; *Mr. David Sylvestier* and *Josiah Thacher*, Esq; be a Committee to proceed to *Bowdoinham* aforesaid, and view the premises mentioned by the petitioners, and report to the General Court at their next sitting, whether in the opinion of the said Committee, it may be proper to grant the prayer of the said petition: Provided however, and this resolution is upon this condition, that *Samuel Thompson*, of said *Topsham*, Esq; who acts for the said petitioners, shall pay the said Committee and such agent as may be appointed on the part of the said town of *Bowdoinham*, a reasonable compensation for their service, and expenditures respectively, while engaged in the business aforesaid.

CXXVIII.

Resolve directing the Sheriffs of the several counties to release from confinement, all Collectors of taxes, previous to tax No. 4, and executions issued to be returnable on the 15th of *January* next, provided. *November 22, 1787.*

Resolved, That the Sheriffs of the several counties within this Commonwealth, be, and they hereby are directed to release from confinement, all such Collectors of taxes, previous to tax No. 4, as may be committed to prison, and the executions issued against such Collectors, and all other Collectors of the said taxes, are hereby revived and made returnable on the fifteenth day of *January* next.

Provided always, that no Sheriff shall be obliged to release any Collector of the said taxes, who may be committed as aforesaid, unless the Treasurer of the town to which such Collector may belong, shall by direction of the town, recognize before some Justice of the Peace, for the payment of such sum or sums of money, as may be due upon the executions against such Collector, to the Sheriff, on the said fifteenth day of *January*, which recognizances and processes thereon, shall be agreeably to a law, passed the nineteenth day of *October 1782*, intitled, "An Act providing a speedy method of recovering debts, and for preventing unnecessary costs attending the same," any law or resolve, to the contrary notwithstanding.

CXXIX.

Resolve on the petition of the selectmen of the town of *Kittery*, authorizing the selectmen of *Reading*, to remove *Timothy Brown*, to the alms-house, in *Boston*. *November 22, 1787.*

On the petition of the selectmen of the town of *Kittery*, praying that one *Timothy Brown*, a poor person now in the town of *Reading*, but adjudged to be the charge of the said town of *Kittery*, might be received into the alms-house at *Boston*, as one of the State poor, and that certain expences already arisen to the said *Kittery*, may be refunded by the State.

Resolved, That the prayer of the said petition be granted, and that the Selectmen of aid *Reading*, be, and they hereby are authorized to remove the said *Timothy Brown*, to the said alms-house, there to be maintained as one of the State poor.

And it is further *Resolved*, That the expences aforesaid, be allowed to the said town, as the Committee on accounts shall judge proper.

CXXX.

Resolve on the petition of *Paul Richardson*. *November 22, 1787.*

On the petition of *Paul Richardson*, praying for reasons set forth in his petition, that a certain judgment recovered against him on the fifteenth day of *November* instant, by one *Ebenezer Perry*, before *Samuel Barrett*, Esq. a Justice of the Peace, within and for the county of *Suffolk*, for the sum of *sixty-four pounds five shillings and ten pence*, be reversed, and the said *Richardson* permitted to dispute the plaintiff's demand, according to law:

Resolved,

Resolved, That the same judgment be, and it is hereby made null and void, provided the said *Richardson* and others, shall at any time within six days from the passing this resolve, appear before the said Justice (as they are hereby fully authorized and empowered to do) and shall dispute the plaintiff's demand; and provided also, that he the said *Richardson* and others, shall pay all legal costs that have hitherto accrued to the plaintiff, in the prosecution of his suit, and shall notify the said plaintiff of the time when he shall appear before the said Justice as aforesaid, by leaving at his dwelling-house, three days at least before such appearance, an attested copy of the said petition, and this resolve thereon.

And it is further *Resolved*, That upon the said defendants appearing and disputing the same demand as aforesaid, the action shall be in the same state, and the same proceeding shall be had thereon, as though the said judgment had never been rendered; provided the said *Richardson*, give bond with sufficient sureties, to the said Justice, that he will answer and abide by the final determination of the Court.

CXXXI.

Resolve on the petition of *Amos Potter*, to notify the adverse party to shew cause, &c.
November 22, 1787.

On the petition of *Amos Potter*, praying for a rehearing in the action of *Joseph Spear*, against the said *Potter*, who was defaulted:

Resolved, For reasons set forth in the said petition, That *Amos Potter*, notify *Pool Spear* executor to the said *Joseph Spear*, who is deceased, by serving him with an attested copy of his petition, and this resolve thereon, fourteen days at least before the second Wednesday of the next session of the General Court, to shew cause if any he hath, why the prayer of the said petition should not be granted, and that execution be stayed in the mean time.

CXXXII.

Resolve on the petition of *Isaac Sprake*, authorizing the Judge of Probate to recall his decree, and to rectify the mistake. November 22, 1787.

On the petition of *Isaac Sprake*:

Resolved, That the Judge of Probate for the county of *Middlesex*, be, and he is hereby authorized to recall his decree for the disposition of the estate of *Samuel Sparke*, of *Billerica*, late deceased, and amend any error made in the same.

CXXXIII.

Resolve on the petition of *Lemuel Blanchard*, directing him to notify the adverse party to shew cause, &c. November 22, 1787.

On the petition of *Lemuel Blanchard*:

Resolved, That the prayer of his petition be so far granted, as that he be, and hereby is directed, to notify the adverse party, by serving him with an attested copy of his petition and this order thereon, twenty days at least before the second Wednesday of the next sitting of the General Court, to shew cause, if any he has, why the prayer of said petition should not be granted, and that execution in the mean time be stayed.

CXXXIV.

Resolve on the petition of the Selectmen of the town of *Petersham*, for staying certain warrants. November 22, 1787.

On the petition of the Selectmen of the town of *Petersham*, praying that certain warrants of distress now in the hands of the Sheriff of *Worcester* county, against the said town, for taxes of the year seventeen hundred and eighty-one, may be stayed:

Resolved, That for reasons set forth in the said petition, the prayer thereof be granted, and that the said warrants be stayed until the first day of *June* next.

CXXXV.

Resolve on the petition of the town of *Eastham*, directing the Treasurer to stay issuing execution on tax No. 4 and 5, until. November 22, 1787.

On the petition of the town of *Eastham*, setting forth their inability to pay the whole of the taxes now due from them, and praying for relief :

Resolved, That there be abated to the town of *Eastham*, the sum of *fifty pounds* ; and the Treasurer of this Commonwealth, is hereby directed to credit the said town in the tax granted *October*, 1781, and tax No. 1, the sum beforementioned.

And it is further *Resolved*, That the Treasurer aforesaid, be, and he is hereby directed, to stay issuing execution against said town, on tax No. 4 and 5, until after the next sitting of the General Court.

CXXXVI.

Resolve on the petition of *Peter Ball*, of *Waltham*, to notify the adverse party to shew cause. *November 22, 1787.*

On the petition of *Peter Ball*, of *Waltham*, in the county of *Middlesex*, gentleman, praying for a rehearing of a judgment rendered against him at the Court of Common Pleas held at *Boston*, on the first Tuesday of *October*, A. D. 1787, at the suit of *Mary Whitwell*, of *Roxbury*, in the county of *Suffolk*, widow :

Resolved, That the petitioner notify the said *Mary Whitwell*, by serving her with an attested copy of his petition, and this order thereon, fourteen days at least before the second Wednesday of the next session of the General Court, that she may then shew cause, if any she has, why the prayer of his said petition should not be granted—and that execution be stayed in the mean time.

CXXXVII.

Resolve allowing *Francis Burnam*, one of the Collectors in *Georgetown*, in *Lincoln* county, three months, to settle and adjust his accounts, and directing the Treasurer to issue his warrant to the Assessors, to assess a sum of money mentioned. *November 22, 1787.*

Whereas *Francis Burnham*, one of the Collectors of *Georgetown*, in the county of *Lincoln*, hath supplicated this Court, to grant him relief against sundry executions that have issued against him from the Treasurer's office of this Commonwealth, one of which is for *fifty-three pounds three shillings and four pence*, on tax No. 1 ; another upon tax No. 2, for *one hundred and thirty pounds ten shillings and two pence*, and another execution upon tax No. 3, for *three hundred and one pounds one shilling and two pence*. And whereas it appears, that the said Collector has probably paid all the monies justly due from him upon any or all of the said taxes, excepting the sum of *seventy pounds ten shillings and two pence* ; and it appearing also, that the said executions have issued consequent upon some mistakes in the Treasurer's book, particularly for the said sum of *three hundred and one pounds one shilling and two pence*, which was never committed to the said Collector : Therefore

Resolved, That the said Collector be, and he is hereby allowed three months from the date of this resolve, to settle and adjust his accounts with the Treasurer, and to pay up the balance that is justly due from him, and the Treasurer of the said Commonwealth is hereby directed to govern himself accordingly.

And it is further *Resolved*, That the Treasurer of this Commonwealth, be, and he is hereby directed, to issue his warrant to the Assessors of the said town, requiring them to assess upon the polls and estates of the inhabitants of the said town, the sum of *three hundred and sixty-one pounds one shilling and two pence*, according to law, as it appears by the said Treasurer's books, that the said sum is due from the said town upon tax No. 3, and has never been assessed by them.

CXXXVIII.

Resolve on the petition of *Ephraim Patch*. *November 23, 1787.*

On the petition of *Ephraim Patch*, praying that he may be allowed the wages due to his son *Samuel Patch*, deceased for services performed in the late American army :

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to the said *Ephraim Patch*, the wages due for the services of his son

Samuel

Samuel Patch, deceased, in the late American army, in the same manner as he would have done had not said wages heretofore been paid to *William Tucker*, on a forged order.

CXXXIX.

Resolve on the petition of *Joseph Henderson*, Esq; to notify the adverse party to shew cause, &c. November 23, 1787.

On the memorial of *Joseph Henderson*, Esq. Sheriff of the county of *Suffolk*, representing that a certain Mr. *Burroughs* and Mr. *Martin*, have recovered judgment against him for three hundred and three pounds, when he was confined to his bed by sickness, and praying for a new trial, and that execution may be stayed, for reasons mentioned:

Resolved, That the said *Joseph Henderson*, Esq. be, and hereby is directed to notify the said *Burroughs* and *Martin*, to appear on the second Wednesday of the next sitting of the General Court if they think fit, and shew cause, if any they have, why the prayer of the said memorial should not be granted, by serving them, or their attorney, with an attested copy of his said memorial with this resolve thereon, fourteen days at the least previous to the said second Wednesday, and that execution be, and hereby is stayed in the mean time.

CXL.

Order of the House, that the inhabitants of *Norridgewalk*, *Canaan*, *Fairfield* and *Nye's* plantation, in the county of *Lincoln*, to appear and shew cause on the second Wednesday of the next sitting of the General Court, why the incorporation of said towns should not take place. November 23, 1787:

Ordered, That the inhabitants of *Norridgewalk*, *Canaan*, *Fairfield* and *Nye's* plantation in the county of *Lincoln*, appear and shew cause if any they have, on the second Wednesday of the next sitting of the General Court, why the incorporation of the towns by the name of *Norridgewalk*, *Canaan* and *Fairfield*, should not take place, agreeably to a report of a committee of both Houses the present Session of the General Court; and that the Secretary be, and he hereby is directed to notify the said inhabitants, by serving the Clerk of each of the said plantations with a copy of this order and of the report aforesaid.

CXLI.

Resolve on the petition of *Benjamin White*, referring the consideration of his said petition to the third Wednesday of the next sitting of the General Court. November 23, 1787.

On the petition of *Benjamin White*, a Collector of taxes for the town of *Hallowell*, for the year 1773, for reasons set forth in his said petition:

Resolved, That the further consideration of his said petition be referred to the third Wednesday of the next Session of the General Court, and that the execution issued by the State Treasurer against the said *Benjamin White*, for taxes committed to him to collect the same year, be and hereby is stayed in the mean time.

CXLII.

Resolve on the memorial of *Belinda*, an African, grant to. November 23, 1787.

On the memorial of *Belinda*, an African woman:

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to *Belinda*, formerly a servant to the late *Iaac Royal*, Esq; an absentee, fifteen pounds twelve shillings, being one year's allowance, agreeably to a resolve passed February nineteenth, 1783.

CXLIII.

Resolve on the petition of *Micah Stone*, executor to *Beulah Minot*, deceased, authorizing him to sell the lands mentioned. November 23, 1787.

On the petition of *Micah Stone*, executor of the last will and testament of *Beulah Minot*, deceased, praying for authority to make sale of certain lands left by the said *Minot*, and lands received for debts since her death, as set forth in the said petition :

Resolved, That the prayer of the said petition be granted, and that the said executor for reasons set forth in his petition be, and he hereby is authorized to dispose of the said lands at private sale, provided the Judge of Probate of the county where the said lands are, shall give leave therefor, otherwise at public sale, notice of which to be given as is prescribed in and by an act entitled an act directing the settlement of the estates of persons deceased, and for the conveyance of real estate, he the said executor first giving bonds with sufficient sureties to the satisfaction of the Judge of Probate, to account for the proceeds of the sale thereof according to law.

CXLIV.

Resolve on the petition of *Jedediah Hurd*, empowering the committee for the sale of absentees estates in the county of *Berkshire*, to execute a good deed of the lands mentioned. *November 23, 1787.*

On the petition of *Jedediah Hurd*, praying that he may receive a deed of a certain tract of land, lying in the town of *Adams*, formerly the property of *Elisba Jones*, an absentee, and now the property of this Commonwealth, by confiscation.

Whereas it appears to this Court, that *Elisba Jones*, late of *Pittsfield*, in the county of *Berkshire*, an absentee, did prior to his leaving the then province of the *Massachusetts-Bay*, give a bond to *Jedediah Hurd*, then of *Adams*, in the said county, promising him a deed of settling lot number twenty-four, and five acres the east-end of lot number twenty-six, in said town of *Adams*, on certain conditions, which it appears the said *Hurd* on his part did fulfill : Therefore

Resolved, That the Committee for the sale of absentees estates, in the county of *Berkshire*, be, and hereby are empowered and directed in behalf of this Commonwealth, to execute a quit claim to the said *Hurd*, of the said lands, as described in the bond aforesaid.

CXLV.

Resolve on the petition of *Samuel Thompson* and *John Merrell*, discharging them of an execution. *November 23, 1787.*

On the petition of *Samuel Thompson* and *John Merrill*, Esq; praying that an execution issued against them, from the Supreme Judicial Court, holden at *Falmouth*, within the county of *Cumberland*, for the said county of *Cumberland*, and the county of *Lincoln*, in favor of this Commonwealth, be made void, for reasons therein mentioned.

Resolved, That the prayer of the said petition be granted, and that the said *Thompson* and *Merril*, be and they hereby are discharged from the said execution; they paying costs, and that the Sheriff of the said county of *Lincoln*, and each of his deputies, as well as all other Sheriffs and their deputies, into whose hands the said execution may come, to govern their conduct with regard thereto accordingly.

CXLVI.

Resolve on the petition of *William Greenleaf*, Esq; and *John King*, to notify the adverse party to shew cause, &c. *November 23, 1787.*

On the petition of *William Greenleaf*, Esq; Sheriff of the county of *Worcester*, and *John King*, his deputy, praying a new trial upon an action brought against the said *William Greenleaf*, by *James Priest* of *Waltham*.

Resolved, That the petitioners notify the said *James Priest*, to appear on the second Wednesday of the next sitting of the General Court, to shew cause if any he has, why the prayer of the said petition, should not be granted, by lodging with the said *James*, an attested copy of their petition, and this resolve thereon, at least thirty days previous to the same second Wednesday ; and that all proceedings by virtue of any execution, issued on the judgment mentioned in the said petition, be in the mean time stayed.

And whereas another resolve passed the twenty-ninth of *October* last, for purposes similar to those mentioned in this resolve, and upon the foregoing petition, but contained a mistake of names.

It is therefore further *Resolved*, That the said resolve of *October* the twenty-ninth, be, and hereby is repealed.

CXLVII.

Resolve on the petition of *Bartholomew de Gregoire* and his wife, appointing *Samuel Thompson*, Esq; to join with the petitioners in opening and establishing the lines between the lands mentioned. *November 23, 1787.*

On the petition of *Bartholomew de Gregoire* and *Mary Theresa de Gregoire* his wife, praying that this Court, would appoint some person or persons to join with them, in opening and establishing the lines between the lands granted to them by this Court, and the lands belonging to this Commonwealth.

Resolved, That *Samuel Thompson*, Esq; be appointed to join with the petitioners, in opening and establishing the lines between the lands beforementioned, he the said *Gregoire*, being at the whole expence which may arise thereby.

CXLVIII.

Resolve on the petition of *Levi Thayer*, to notify the adverse party to shew cause, &c. *November 23, 1787.*

On the petition of *Levi Thayer*, praying that a judgment recovered against him, at the Court of Common Pleas, held at *Worcester*, in and for the county of *Worcester*, on the second Tuesday of *June 1786*, by *Timothy Rawson*, may be set aside, for reasons mentioned in his petition.

Resolved, That said *Levi Thayer*, notify the said *Timothy Rawson*, by leaving an attested copy of his petition, and this order thereon, fourteen days before the second Wednesday of the next Session of the General Court, at his last and usual place of abode, to shew cause on said day, why the prayer thereof, should not be granted, and that execution be stayed in the mean time.

CXLIX.

Resolve on the petition of *John Freeland* and others, directing the Treasurer to pay to the trustees of *Harvard-College*, the monies due to them. *November 23, 1787.*

On the *John Freeland*, *Isaac Burnap* and *Samuel Haven*, praying that they may be permitted to discharge the execution issued against them, by the Treasurer of this Commonwealth, for No. three and No. four taxes, in orders and certificates, as other Collectors are permitted to do :

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 receive of the aforesaid Collectors, orders and certificates in full discharge of the executions aforesaid.

And be it further *Resolved*, That upon the receipt of the orders and certificates as aforesaid, the Treasurer be directed to recall his said execution.

And it is further *Resolved*, That the Treasurer of the said Commonwealth, be, and is hereby directed to pay to the trustees of *Harvard College*, the monies due to them in consequence of the aforesaid executions, in the same way and manner as he is directed by a resolution passed *November* the fourteenth, 1787, any law or resolve to the contrary notwithstanding.

CL.

Resolve directing the Treasurer to pay all accounts that have been allowed by the Committee on accounts, for services in suppressing the insurrection, out of the £.3000, appropriated in the resolve of the 17th instant, to the pay of the troops and to the expences of the Q. M. General, and Commissary-General's departments. *November 23, 1787.*

Resolved, That the Treasurer be, and he hereby is required and directed to pay all accounts that either have been or shall be allowed by the committee on accounts for services in suppressing the late insurrection, out of the three thousand pounds appropriated

ed in the resolve of the 17th inst. to the pay of the troops and to the expences of the Quarter-Master and Commissary-General's departments, in like manner as if the said accounts allowed as aforesaid, had been allowed by either the said Quarter-Master-General or the said Commissary-General.

CLI.

Resolve on the petition of *Rebecca Richardson*, administratrix on the estate of her late husband, empowering her to execute a good deed of the land. *November 23, 1787.*

On the petition of *Rebecca Richardson*, praying that she may be empowered to give a deed of a small piece of land, for reasons mentioned in the said petition :

Resolved, That *Rebecca Richardson*, in her capacity as administratrix on the estate of her late husband, *Benjamin Richardson*, be, and she is hereby empowered to make and execute a good and sufficient deed of three acres of marsh lying in the town of *Malden*, mentioned in her petition, she observing the law respecting executors and administrators.

CLII.

Resolve on the petition of *Timothy Newell*, directing the Treasurer to give a note for the sum mentioned. *November 23, 1787.*

On the petition of *Timothy Newell* :

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed to give to the said *Timothy Newell*, a note for *one hundred and six dollars*, being the amount of monies advanced for purchasing ammunition and stores for the use of this Commonwealth, and that the said note be discharged in like manner with those given to persons who loaned monies for the purpose of suppressing the late rebellion.

CLIII.

Resolve on the petition of *Joel Rice*. *November 23, 1787.*

On the petition of *Joel Rice* :

Resolved, That the execution that has issued from the State treasury against him as a delinquent Collector, shall be revived and continued in full force until the fourth Wednesday in *February* next, and the Sheriff of the county of *Middlesex*, is hereby directed to govern himself accordingly.

CLIV.

Resolve on the petition of Col. *Henry Jackson*, directing the Treasurer to pay the warrants pointed out in said resolve. *November 23, 1787.*

Upon the petition of *Henry Jackson*, late Lieutenant-Colonel Commandant of the federal troops raised in this State :

Whereas government have engaged that no money shall be paid from, nor orders issued on that part of the specie tax No. 5, appropriated for the use of the United States, until the money borrowed for the use of government be re-paid, whereby the Treasurer conceives himself restricted from paying warrants issued from the board of treasury of the United States, for the purpose of paying the said *Jackson*, until the money borrowed as aforesaid, be re-paid : Therefore

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed to pay the said *Jackson*, the warrants from the treasury of the United States as aforesaid, from the first monies he shall receive from the specie part of tax No. 5, not already appropriated.

CLV.

Resolve directing the Treasurer to receive from the Treasurer of *Falmouth* and *Portland*, the army notes and certificates payable in tax No. 4, also the army notes, &c. collected by *William Portifield*, jun. deceased, and paying executions in the mean time. *November 23, 1787.*

Resolved.

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed to receive from the Treasurer of *Falmouth* and *Portland*, the army notes and certificate payable in tax No. 4, the sum of *seven hundred and thirty-three pounds nine shillings and four pence*, in full for their part of the tax granted in 1784, also the army notes, certificates and indents collected by *William Portfield*, jun. deceased, in part for tax No. 5, any law or resolve to the contrary notwithstanding.

And it is further Resolved, That execution be stayed for that part of the tax No. 5, that remains uncollected, which was committed to the said *Portfield* to collect, three months from the time limited by law for issuing executions.

CLVI.

Roll No. 10, allowed by the committee on accounts, and resolve thereon. *November 23, 1787:*

The committee on accounts having examined the accounts they now present, report that there is due to the towns and persons hereafter mentioned, the sums set against their names, which if allowed will be in full discharge of the said accounts.

JOSEPH HOSMER, per order.

To <i>Zebadiab Flooké</i> , for keeping <i>Salmon PPhillips</i> , a wounded soldier, from <i>February 11, 1787</i> , to <i>September 17</i> , deducting the articles mentioned in the account of credit,	£. 12 0 0
To <i>Samuel Laba</i> , keeper of <i>Hospital-Island</i> , for his salary and wood, to <i>January 25, 1787</i> , being four years, agreeably to agreement with the selectmen of <i>Boston</i> ,	90 6 8
To <i>Oliver Prescott</i> , Esq. for three several expresses in <i>November</i> and <i>January</i> last, and in the time of the late insurrection,	3 0 0
To the Hon. <i>Caleb Strong</i> , for his service and expences in <i>October 1784</i> , in viewing the dividing line between this State and <i>New-York</i> , deducting 10l. 1s9 received,	3 3 3
To the town of <i>Salem</i> , on account of advances for two of the State's poor, <i>McHamara</i> and <i>Barnes</i> , from <i>April 1787</i> to <i>November 6th</i> ,	12 18 6
To the estate of <i>Thomas Ivers</i> , late Treasurer, for wood purchased of <i>I. Hatch</i> , in <i>Jan.</i> and <i>Feb.</i> last, and paid by the executor, for the use of office,	3 3 0
To <i>Joseph Barrett</i> , for supporting and burying <i>Mary Woodwell</i> , one of the poor of <i>Charlestown</i> , to the 4th of <i>September, 1786</i> , deducting articles of apparel that were appraised,	4 0 8
To <i>Stephen Parker</i> , for supplies to <i>Col. John Allen</i> , superintendant in 1779, and onwards to 1780, being the balance of an account,	49 9 6½
To <i>Oliver Phelps</i> , Esq. as agent to <i>Joseph Woodruff</i> , and <i>Timothy Spelman</i> , for services they performed in <i>January</i> last, in apprehending persons unfriendly to government,	2 8 5
Also to <i>Israél Parsons</i> , for the same kind of services and in the same account,	2 0 0
To <i>Amasa Clapp</i> , for extra expences in the month of <i>February</i> last, supporting men, in compliance of orders from military authority, who were specially called,	3 7 6
To <i>Doctor Abijah Cheever</i> , for his care and medicines as Physician to the poor of the Commonwealth, in the Alms-House; from the 15th of <i>May 1786</i> to the 15th of <i>May 1787</i> ,	50 0 5
To <i>James Kettle</i> , for boarding <i>Sarah Call</i> , in 1786, allowed and ordered to be paid, but not applied for, and certificate returned,	5 2 0
To <i>Doctor Edward Dean</i> , for his medicines and attendance, on account of <i>Benjamin Eddy</i> and family, poor of the State, from <i>September 5, 1785</i> , to <i>May 18, 1787</i> ,	7 16 3
To <i>David Gardner</i> , for supplies to the Indians, in 1779 and 1780,	18 4 8
To <i>William Moore</i> , for coffins for the poor of the Commonwealth, certified by the Selectmen of <i>Boston</i> , to <i>September 28, 1787</i> ,	3 18 0
To <i>Elizabeth Osborne</i> , one of the poor of <i>Charlestown</i> , for her board, from <i>June 21, 1787</i> , to <i>November 13,</i>	9 9 0

To

To Elizabeth Leman, another of the poor of Charlestown, for her board, from June 21, 1787, to November 13,	£. 6	6	0
To Joseph Swetsfer, for board, from the 3d of March 1787, to the 10th of November, another of the poor of Charlestown,	14	8	0
To Phineas Upham, for boarding Lydia and Philadelphia Breed, the poor of Charlestown, from February 25, 1787, to November the 1st,	21	8	0
To an allowance made to the widow Jonna Manning, one of the above mentioned poor, from October 25, 1786, to August 25, 1787,	11	4	0
To the town of Littleton, as an allowance on account of Elizabeth Phipps, a Charlestown pauper, from the 1st of October 1785, to October the 1st, 1787,	5	4	0
To Lydia Boylston, for board from the 3d of March, 1787, to the 10th November; also one of the poor of Charlestown,	14	8	0
To Jacob Newell, innholder, for entertaining the seamen and soldiers, that returned from Penobscot, in 1779, having produced sufficient vouchers,	42	10	0
Doctor Bartlett's bills, from December 26th 1786, to January 18th 1787, for medicines and attendance on account of several of the poor of Charlestown,	20	7	4
Doctor Sheldon's bill for medicines and attendance in April last, on account of Capt. Russell's company, in the service of government,	1	8	0
Doctor Thomas Welsh, for attendance and medicines from November 1st, 1786, to March 11th, 1787, on account of Charlestown poor,	16	0	6
To Thomas B. Wait, printer, for printing and publishing by order of government, from 16th of March, 1787, to the 2d of August,	26	9	0
To Wilson Chamberlaine's board, allowed to the selectmen of Holliston, one of the poor of Charlestown, from the 1st of February, 1787, 39 weeks,	12	13	6
To the town of Billerica, for boarding Elizabeth Lampson, another of the Charlestown poor, from the 10th of April, 1787, to the 20th of October,	7	16	0
To Joseph Otis, gaoler, for boarding, wood, beds, his own fees, &c. on account of the State prisoners, the last winter and spring, a large sum being deducted by the committee as overcharged,	61	7	2
To Edmund Bridge, Esq. for his services as Sheriff in the county of Lincoln, in July last, deducting what he received,	8	13	10
To Honourable Cotton Tufts, Esq. and John Carnes, Esq. a committee appointed to set in the recess in May, 1787, to Mr. Tufts, 2l. 1s. 3d. and Mr. Carnes, 1l. 6s. 3d. their business to prepare a statement of College funds and other matters,	3	7	6
To Thomas and John Fleet, for printing for the treasury-office, from March 2d 1787, to July 7th, certified by the Treasurer,	72	1	5
To James Swan, Esq. for his service as Deputy-Adjutant-General in the first division of the militia, in the county of Suffolk, from November 28th, 1786, to 21st November, 1787,	24	0	6
	<hr/>		
	£. 649	19	8

Read and accepted, and thereupon

Resolved, That his Excellency the Governour, with the advice of Council be, and hereby is requested to issue his warrant on the treasury for the payment of the several persons borne on this roll the sums set against their names respectively, amounting in the whole to six hundred and forty-nine pounds nineteen shillings and eight pence half penny.

The following should have been inserted according to their respective dates, but were accidentally omitted.

MESSAGE from his Excellency the Governour, by the Secretary. *October 26, 1787.*

Gentlemen of the *Senate* and Gentlemen of the *House of Representatives*,

BY the post last evening, I received a letter from Mr. Secretary *Thomson*, dated the eighteenth instant, inclosing an act of the United States in Congress assembled, touching the grant of favors to foreign nations, and a requisition for the year 1787: Also an act for keeping up a body of seven hundred troops, which the Secretary will lay before you.

J O H N H A N C O C K.

COUNCIL-CHAMBER, *October 26, 1787.*

MESSAGE from his Excellency the Governour, by the Secretary. *November 8, 1787.*

Gentlemen of the *Senate* and Gentlemen of the *House of Representatives*,

I HAVE just received the report of the Agents on the part of *Massachusetts*, appointed to attend the Commissioners of the United States in running the line of jurisdiction between this Commonwealth and the State of *New-York*, which the Secretary will lay before you; for your information.

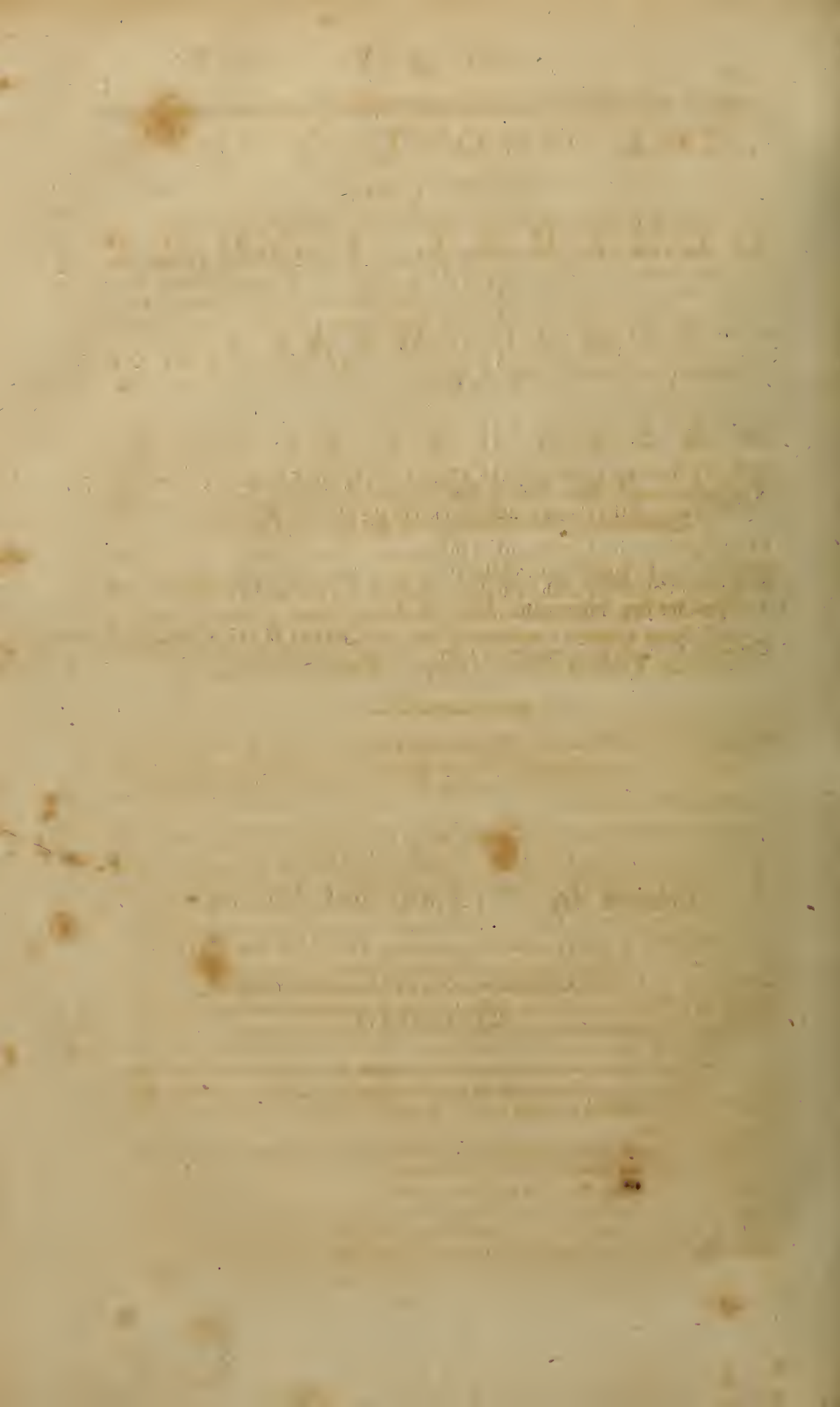
J O H N H A N C O C K.

COUNCIL-CHAMBER, *November 8, 1787.*

B O S T O N :

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PRINTERS TO THE HONORABLE GENERAL COURT;
OF THE COMMONWEALTH OF MASSACHUSETTS.

M, DCC, LXXXVII.



R E S O L V E S
OF THE
G E N E R A L C O U R T
OF THE
C O M M O N W E A L T H
O F

M A S S A C H U S E T T S :

Together with the SPEECH and MESSAGES of his
Excellency the Governour to the said Court :

Begun and held at *Boston*, in the County of *Suffolk*, on
Wednesday the 30th Day of *May*, *Anno Domini*, 1787 ;
and from thence continued by Adjournment, to Wednes-
day, the Twenty-seventh Day of *February* following.

Wednesday the 27th *February*, His Excellency the Governour went to the State-
House, where, in presence of the two Branches of the Legislature, who had
met in the Representatives Chamber for the purpose, he addressed them in
a SPEECH, as follows :

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

THE Letters which I have received in the recess, the Secretary will lay
before you, they are not of such importance, as to claim any particular
notice from me at this time.

The adjournment of the General Court, for the space of one week, be-
came necessary, in order to give the members, who were also members of the
late Convention, an opportunity of returning home before the meeting of the
Legislature. I could have wished that the Proclamation of adjournment had
been of an earlier date, but the Session of the Convention, by the importance
of the business before that body, was protracted beyond what was expected.
I flatter myself that this will be satisfactory, as well to those of you, Gentle-
men, who having not heard of the adjournment, have been some days wait-
ing in town, as to those who may be apprehensive that the business of the pre-
sent Session will demand a longer time, than can be conveniently afforded at this
season of the year.

I have nothing of more importance at this time, to recommend to your de-
liberation, than the lands of the Commonwealth. It is scarcely necessary to
remark that this State, from its particular situation, as well as from the noble
ardor of its citizens in defence of their liberties and independence, hath accu-
mulated a very heavy debt ; the interest of which arises to *ninety thousand*
pounds annually ; this consideration alone, Gentlemen, should induce us by
every

every possible exertion consistent with the peace of the Commonwealth, to diminish the principal. In order to this, the great quantities of unappropriated territory both in the eastern part of the government, as well as the immense tract lately ceded to us by the State of *New-York*, afford ample resources, if wisely and expeditiously improved by that spirit of unanimity and discernment which I flatter myself will always distinguish your conduct, when the interest of the people is so deeply and essentially engaged in the result of your deliberations.

I am sorry that my duty urges me to mention to you the necessity of a small tax, but the treasury is so far exhausted, that the business of the government must cease its progress unless a tax is granted.

Since the last Session, *Luke Day*, one of those persons for whose arrest a bounty was offered in consequence of an act of the Legislature, has been taken by some of the citizens of *New-Hampshire*, to whom one hundred pounds has been paid, upon their delivering him into the custody of the Sheriff of the county of *Suffolk*. Could the late unhappy commotions be thrown into oblivion, consistently with the honor of government, and the safety of the people, I persuade myself it would give satisfaction.

In the beginning of your last Session, I laid before you the Constitution and Frame of Government for the United States of *America*, agreed upon by the late General Convention, and transmitted to me by Congress. As the System was to be submitted to the people, and to be decided upon by their Delegates in Convention, I forbore to make any remarks upon it. The Convention which you appointed to deliberate upon that important subject, have concluded their Session, after having adopted and ratified the proposed plan, according to their resolution, a copy whereof, I have directed the Secretary to lay before you.

The obvious imbecility of the Confederation of the United States, has too long given pain to our friends, and pleasure to our enemies; but the forming a new system of Government, for so numerous a people, of very different views, and habits, spread upon such a vast extent of territory, containing such a great variety of soils, and under such extremes of climate, was a task, which nothing less than the dreadful apprehension of losing our national existence, could have compelled the people to undertake.

We can be known to the world, only under the appellation of the United States; if we are robbed of the idea of our Union, we immediately become separate nations, independent of each other, and no less liable to the depredations of foreign powers, than to wars and bloody contentions amongst ourselves. To pretend to exist as a nation without possessing those powers of coercion, which are necessarily incident to the national Character, would prove a fatal solecism in politics. The objects of the proposed Constitution, are defence against external enemies, and the promotion of tranquility and happiness amongst the States. Whether it is well calculated for those important purposes, has been the subject of extensive and learned discussion in the Convention which you appointed. I believe there was never a body of men assembled, with greater purity of intention, or with higher zeal for the public interest. And although when the momentous Question was decided, there was a greater division than some expected, yet there appeared a candour, and a spirit of Conciliation, in the minority, which did them great honor, and afforded an happy presage of unanimity amongst the people at large. Though so many of the members of the late Convention could not feel themselves convinced that they ought to vote for the ratification of this system, yet their opposition was conducted with a candid and manly firmness, and with such marks of integrity and real regard to the public interest, as did them the highest honor, and leaves no reason to suppose that the peace, and good order of the Government is not their object.

The amendments proposed by the Convention, are intended to obtain a constitutional security of the principles to which they refer themselves, and must meet

meet the wishes of all the States. I feel myself assured, that they will very early become a part of the Constitution, and when they shall be added to the proposed plan, I shall consider it the most perfect system of government, as to the objects it embraces, that has been known amongst mankind.

Gentlemen,

As that BEING, in whose hands is the government of all the nations of the earth, and who putteth down one, and raiseth up another according to his sovereign pleasure, has given to the people of these States, a rich and an extensive country; has in a marvellous manner, given them a name and a standing among the nations of the world—has blessed them with external peace, and internal tranquility;—I hope and pray, that the gratitude of their hearts may be expressed by a proper use of those inestimable blessings,—by the greatest exertions of patriotism,—by forming and supporting institutions for cultivating the human understanding, and for the greatest progress of the arts and sciences,—by establishing laws for the support of piety, religion and morality, as well as for punishing vice and wickedness,—and by exhibiting on the great theatre of the world, those social, public and private virtues, which give more dignity to a people, possessing their own sovereignty, than crowns and diadems afford to sovereign princes.

Every matter of a public nature, which may occur worthy of your notice, shall be communicated by message, and in every concern tending to promote the public welfare, I shall be happy to concur with you, and be ready at all times, to give every possible dispatch to the business that may come before you.

JOHN HANCOCK.

COUNCIL-CHAMBER, *February 27, 1788.*

I.

Resolve on the petition of *Elias Hasket Derby*, permitting him to take certain goods out of the Bark, *Light-Horse*, and put them on board any other vessel, &c. *February 29, 1788.*

Upon the petition of *Elias Hasket Derby*, of *Salem* in the county of *Essex*, praying for licence to take out of the Bark, *Light-Horse*, a quantity of goods imported in her by him, and which he intended to export in her to foreign parts.

Resolved, That the prayer of the said petition, for reasons therein set forth, be granted, and licence is hereby granted to the said *Derby* to take all such goods and merchandise which were imported in the said Bark, and were reported to the Naval-Officer of the port of *Salem* by the said *Derby* for exportation, and are now on board her, out of the said Bark, and re-ship them on board any other vessel of the said *Derby's*, and to export them in the said other vessel, without being subject to pay any Impost or duty thereon, in as full and free a manner from duties, as he might have done, had the same been exported in the said Bark, without taking them out of her; subject to the inspection of the said Naval-Officer, any law, usage or custom, to the contrary notwithstanding.

II.

Resolve on the petition of *Eliphalet Phelps*, permitting him to pay a fine of ten pounds in notes. *March 3, 1788.*

On the petition of *Eliphalet Phelps*, setting forth, that at the Supreme Judicial Court, holden at *Northampton* in and for the county of *Hampshire*, in the month of *April 1783*, he had been fined in the sum of ten pounds, exclusive of costs, and praying for leave to pay the said fine of ten pounds, in consolidated notes.

Resolved, for reasons set forth in the said petition, that the prayer of the same, be, and hereby is granted, and that the said *Phelps*, have leave to pay the said fine of ten pounds in any of the consolidated notes of this State.

III.

Resolve on the petition of *Benjamin Richardson*, in behalf of the town of *Sterling*, empowering them to chuse a Collector. *March 3, 1788.*

On the petition of *Benjamin Richardson*, in behalf of the town of *Sterling*, praying to be empowered to chuse a Collector in the room of *Silas Fairbank*, one of the Constables for the town of *Sterling*, for the year 1782, as set forth in the said petition. *Resolved*,

Resolved, That the prayer of the said petition be granted, and that the town of *Sterling*, be, and hereby are authorized and empowered, to chuse a Collector in the room of *Silas Fairbank*, who was Constable for the said town of *Sterling*, in the year 1782, and the Assessors of the said town of *Sterling*, for the time being, are hereby authorized and directed, to commit unto the Collector so chosen, the rate bills received of the aforesaid *Silas Fairbank*, and issue their warrants to enforce the collection of all taxes due on the said bills.

IV.

Address to his Excellency the Governour, for removing Lt. Col. *Farrington*, March 3, 1788.

May it please your Excellency,

It appearing to the General Court, from a memorial of the hon. *Benjamin Lincoln*, Esq. Major-General of the first division of the militia of this Commonwealth, that *Joshua Farrington*, Esq; Lieut. Colonel of the regiment in *Boston*, has absented himself from his duty, and from the Commonwealth, and that there is no probability that he will soon return, and the two Houses being of opinion that the public service requires that the said *Joshua Farrington*, should be removed from the office aforesaid, in order that some other person may be appointed, thereto, are induced in this constitutional manner, to address your Excellency upon the subject, and request that such order may be taken for the removal of the said *Joshua Farrington*, from his said office, as your Excellency may judge proper.

Read and ordered, That *Benjamin Austin*, jun. Esq; *Mr. Breck*; and *Mr. Denny*, be a Committee to wait upon his Excellency with the foregoing address.

V.

Resolve on the petition of *Paul Raymond*, directing the Treasurer to renew the note mentioned. March 3, 1788.

On the petition of *Paul Raymond*, setting forth that he was possessed of a consolidated State note, of *eighteen pounds five shillings and six pence*, No. 17071, which note was said to be lost on the first day of *December*, 1783.

Resolved, That the Treasurer of this Commonwealth, be, and he is hereby directed to renew the said note, for the sum of *eighteen pounds five shillings and six pence*, to the said *Paul Raymond*, he first giving good and sufficient bond to the Treasurer, to indemnify the Commonwealth, against the demands of all persons, by virtue of the note said to be lost

VI.

Resolve on the petition of *Esther Freeborn*, Indian woman. March 4, 1788.

On the petition of *Esther Freeborn*, an Indian woman, praying that the Trustees for *Grafton* Indians, may be directed to pay to her the principal of her right of dower.

Resolved, That the prayer of the said petition, for reasons therein set forth, be granted, and that the Trustees for the *Grafton* Indians, be, and they are hereby authorized and directed, to pay to *Esther Freeborn*, such part of the principal of her right of dower, as in their opinion her exigencies may require.

VII.

Resolve on the petition of *Edmund Bridge*, to notify the adverse party to shew cause, &c. March 4, 1788.

On the petition of *Edmund Bridge*, Esq; praying that a judgment rendered against him, in favour of *Samuel Darby*, at a Justice's Court, holden before *John Herd Bartlett*, Esq; one of the Justices of the Peace, for the county of *York*, at his dwelling-house in the said county, on the thirteenth day of *July* last, past, may be set aside, for reasons set forth in the said petition.

Resolved, That the prayer of the said petition, be so far granted, that the petitioner serve the said *Samuel Darby*, with an attested copy of the said petition and of this resolve, fourteen days at least before the second Thursday of the first sitting of the next General Court,

then to shew cause, if any he has, why the prayer of the said petition, should not be granted, and that execution be stayed in the mean time.

VIII.

Resolve on the petition of *Mary Child, Jonathan Briant, and James Barrett.*
March 5, 1788.

On the petition of *Mary Child, Jonathan Briant, and James Barrett.*

Resolved, for reasons set forth in the said petition; that *Mary Child, Administratrix* on the estate of *Thomas Child,* late of *Portland* in the county of *Cumberland, Esq.* deceased, be, and she is hereby impowered to make and execute a good and sufficient deed to *Jonathan Briant and James Barrett,* of one lot of land situated in *Portland,* aforesaid, bounded as follows, *viz.* northwesterly on *New-street,* so called, northeasterly on *Fiddle-lane,* southeasterly and southwesterly on lot belonging to the estate of *Isaac Winslow,* deceased, agreeable to the engagement of the said *Thomas,* and for which he received the pay, before the time of his decease.

IX.

Resolve on the petition of *Joseph Lovering,* directing the Treasurer to receive the notes mentioned. *March 6, 1788.*

On the petition of *Joseph Lovering,* setting forth, that on the first day of *December, 1781,* he received from the Treasurer a consolidated note, No. 2732, payable to him, or bearer, for the sum of *twenty-one pounds fourteen shillings and two pence;* and one other note of the same date, No. 2734, payable to *Rebecca Lovering,* for the sum of *thirty-five pounds four shillings and eight pence,* which notes were burnt in his house, in the late fire in *Boston,* as set forth in his petition.

Resolved, That the Treasurer be, and is hereby directed to issue to the said *Lovering* two other notes, of the same date and for the same sums, the said *Lovering* giving bond with sufficient sureties to indemnify and save harmless this Commonwealth.

X.

Resolve on the petition of *Thomas Hill and Abiel Lovejoy,* empowering *Elizabeth McNeil,* or by her Attorney, to execute to the said *Abiel Lovejoy,* a deed of bargain and sale of the lands mentioned. *March 7, 1788.*

On the petition of *Thomas Hill and Abiel Lovejoy:*

Whereas it appears to the General Court, that *Archibald McNeil,* formerly of *Boston,* and late of *Quebec,* in the province of *Quebec,* in his life time, had agreed with *Abiel Lovejoy,* of *Vassalborough,* in the county of *Lincoln,* to sell and convey to said *Abiel,* a lot of land in the said *Vassalborough,* containing about four hundred acres, being Lot numbered fifty, on the proprietors plan, made by *Nathan Winslow,* for the sum of *one hundred and thirty-three pounds six shillings and eight pence,* which the said *Lovejoy* paid the said *McNeil* in his life time; but the said *McNeil* having been deprived by death, of the power of making a deed, and the said *Lovejoy,* together with *Thomas Hill,* of the said *Boston,* attorney to *Elizabeth McNeil,* administratrix to the estate of the said *Archibald McNeil,* having petitioned the General Court to give aid in the completion of the said bargain and sale.

Resolved, That the said *Elizabeth McNeil,* administratrix of the estate of the said *Archibald McNeil,* by herself, or by such attorney as hath been or shall be by her appointed, to make sale of lands formerly the estate of the said *Archibald McNeil,* shall be empowered to make and execute to the said *Abiel Lovejoy* a deed of bargain and sale of the lands aforesaid, in fee simple; and that any deed thereof made and executed by the said *Elizabeth,* or her said attorney, shall be good and effectual in law, to pass the same, as any deed made by the said *Archibald McNeil,* in his life time, could have been.

XI.

Resolve making a grant to *Richard Devens, Esq.* for his services as Commissary-General from *June 1st, 1785,* to *1st June, 1786.* *March 7, 1788.*

On the petition of *Richard Devens,* praying for a grant for his services as Commissary-General, from *June the first 1785,* to *June the first 1786,* for which time no grant has been made him:

B

Ref.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth to *Richard Devens*, Esq. the sum of *one hundred and fifty pounds*, in full for his service as Commissary-General of this Commonwealth, from the first of *June*, 1785, to the first of *June*, 1786.

XII.

Resolve on the representation of *John Lucas*, Esq. in behalf of *Elisba Rice*. *March* 8, 1788.

On the representation of *John Lucas*, setting forth that the original certificates of *Elisba Rice*, a corporal in the XVth *Massachusetts* regiment, and who was wounded in the service of the United States, are millaid or lost.

Resolved, That *John Lucas*, Commissary of Pensioners be, and he hereby is authorized to act on the authentick copies of the said certificates, in the same manner as he would have done on the originals, had they not been lost.

XIII.

Resolve on the petition of *Ralph Inman*. *March* 8, 1788.

On the petition of *Ralph Inman*, praying that he may be paid for seventeen hundred and nineteen pounds and three quarters of a pound of copper, taken for the use of the State, in the year 1776 :

Resolved, That the Treasurer of this Commonwealth, make out and deliver unto the said *Ralph Inman*, a note in usual form, for the sum of *four hundred and thirteen pounds six shillings and two pence*, in full discharge for said supply.

XIV.

Resolve on the petition of *Ebenezer Knight*, *Jacob Stevens*, and *Isaac Knight*, setting them off to *Athol*. *March* 8, 1788.

On the petition of *Ebenezer Knight*, *Jacob Stevens*, and *Isaac Knight*, in the town of *Gerry*, praying that they and their estates may be annexed to the town of *Athol*.

Whereas it appears by the act for incorporating the town of *Gerry*, that *Ebenezer Knight*, and *Benjamin Preston*, together with their polls and estates, should continue to belong to the town of *Athol*, upon returning their names into the Secretary's office within nine months from the passing of the said act, signifying their desire to continue in said *Athol*, and it further appears that such returns were sent forward but miscarried.

Resolved, That *Ebenezer Knight*, *Jacob Stevens*, and *Isaac Knight*, with their polls and estates, their farms being the same which were owned by the above said *Ebenezer Knight*, and *Benjamin Preston*, be considered to belong to the said town of *Athol*, in the same manner and as fully as they would have been, provided a return of their names and desires had been entered in the Secretary's office, within the time limited in the act for incorporating the town of *Gerry*.

XV.

Resolve on the petition of *William Hudson Ballard*. *March* 8, 1788.

On the petition of *William Hudson Ballard*, setting forth that his health was greatly impaired in the service of his country, in the late war, by losing in a great degree the use of his right hand : that his dwelling-house has been lately consumed by fire, in which his eldest daughter fell a sacrifice ; that through these and other misfortunes he is greatly reduced in his circumstances, and is rendered unable to discharge a debt of *three hundred and fifty-four pounds ten shillings and ten pence*, due to this Commonwealth for taxes, except by the specie notes of the same which he received for his services.

Therefore *Resolved*, That the Sheriff of the county of *Essex* be, and he is hereby empowered and directed to receive of the said *William Hudson Ballard*, the sum of *three hundred and fifty-four pounds ten shillings and ten pence* in the specie notes of this Commonwealth, allowing for the interest thereon, which he received for his services in the *American* army, in full of the execution committed to him to collect. And the Treasurer is hereby directed to govern himself accordingly, any law or resolve of this Commonwealth to the contrary notwithstanding.

Resolve

XVI.

Resolve empowering the Assessors of *Athol* to assess on inhabitants of *Gerry*, twenty pounds, one shilling. March 8, 1788.

WHEREAS a county tax was laid on the town of *Athol*, in the county of *Worcester*, in April last past, of twenty-five pounds fourteen shillings and nine pence; and whereas it appears to this Court that the town of *Gerry*, part of which was set off from the said town of *Athol*, since the last valuation, ought to pay a part of the said sum: And whereas it appears by certificates from under the town-clerk's hands of the said towns, that the said towns have mutually agreed that the said town of *Athol* shall pay of the same, the sum of twenty pounds and one shilling, and the said town of *Gerry* should pay the sum of five pounds thirteen shillings and nine pence, of said sum: Therefore,

Resolved, That the assessors of the said town of *Athol* be, and hereby are authorized and directed, to assess on the inhabitants of the said town, the said sum of twenty pounds and one shilling, according to the rules and directions contained in the warrant from the treasury of the county of *Worcester*, for the assessing the said sum of twenty-five pounds, fourteen shillings and nine pence, and deliver the assessment with a warrant for collection, according to the tenor of the said warrant: And the assessors of the said town of *Gerry* are likewise hereby authorized and directed, to assess on the inhabitants of the said town of *Gerry*, the sum of five pounds thirteen shillings and nine pence, and deliver the same to a collector with a warrant to collect the same as aforesaid, and to pay the same to the Treasurer of the county of *Worcester*, according to the warrant from the said Treasurer to the Assessors of *Athol*, for the said twenty-five pounds fourteen shillings and nine pence. And the Treasurer of the county of *Worcester* is hereby authorized to issue his execution or executions against the collector or collectors of the said *Athol* and *Gerry*, to whom said assessment shall be committed in case of neglecting to pay the said sum or sums according to the tenor of his warrant aforesaid to the assessors of the said *Athol*; and also to issue his execution against the said towns of *Athol* and *Gerry*, or either of them, which shall neglect to assess and commit the said respective sums as aforesaid, and certify the same according to law, to him, within the space of five weeks from the date hereof.

And it is hereby further Resolved, That the said assessors of the town of *Athol* are fully discharged from assessing the said twenty-five pounds, fourteen shillings and nine pence, on the inhabitants and estates of the said town of *Athol*, any thing in the said warrant to the contrary notwithstanding.

XVII.

Resolve on the petition of *Oliver Witt*. March 8, 1788.

On the petition of *Oliver Witt*, representing that he has been involved in great difficulties and embarrassments in his advanced age, by reason of his being bound for Dr. *Samuel Stearns*, and praying for relief, for reasons set forth in said petition:

Resolved, That the prayer thereof be so far granted that the sum of twenty-nine pounds two shillings and six pence be, and hereby is remitted to the said *Oliver Witt*, on the bond by him given to the Treasurer of this Commonwealth, and that the said Treasurer, be, and hereby is required and directed to govern himself accordingly.

XVIII.

Resolve on the petition of *Elijab Reed*. March 8, 1788.

On the petition of *Elijab Reed*, a soldier in Capt. *Amasa Soper's* company, and Col. *Thomas Marshall's* regiment, praying that he may be paid his wages for service in the Continental army, which has been drawn by a forged order.

Resolved, That the Treasurer be, and he hereby is directed to pay the said *Eijab*, the sum of twenty-five pounds four shillings and six pence, which was drawn by a forged order, in the same manner as he should have done if the same had not been drawn by fraud as aforesaid.

XIX.

Resolve on the petition of *Melison Elithorp*, empowering her to enter a certain action at the Supreme Judicial Court, next to be holden at *Northampton*. March 10, 1788.

On the petition of *Melison Elithorp*:

Resolved,

Resolved, That the said *Melison Elitborp*, be, and she is hereby empowered to enter and continue at the Supreme Judicial Court, next to be holden at *Northampton*, in the county of *Hampshire*, on the last Tuesday of *April* next, one certain action or plea, in which the said *Melison* was original plaintiff, and *John Foster* of *Paxton*, in the county of *Worcester*, Clerk, defendant, in which the said *Melison* alledged, that the said *John* in *February* 1781, promised marriage to her, and after did marry another person, which action was brought by appeal to the Supreme Judicial Court, holden at *Springfield*, on the fourth Tuesday of *September* last, and at said Court was discontinued by the said *Melison*. And the said Court are hereby authorized and directed, to proceed on the said action according to law and the rules of the said Court, in the same manner in all respects, as in actions regularly brought by appeals and continued in the said Court, and as if the said action had not been discontinued; the said *Melison* serving the said *John Foster*, with an attested copy of this resolve, fourteen days at least before the sitting of the said Court.

XIX.

Resolve on the application of *Hugh Orr*, Esq. *March* 10, 1788.

On the petition of *Hugh Orr*, Esq. of *Bridgewater*, praying that the Treasurer may be directed to receive certain orders drawn on Collectors and Sheriffs, and in lieu of them to grant him orders on the Committee, for the sale of confiscated estates in the county of *Bristol* :

Resolved, That the prayer of the petition be granted, and that the Treasurer be, and hereby is directed to receive such orders drawn by the Treasurer of this Commonwealth, in favour of the said *Hugh Orr*, Esq. to the amount of *two hundred pounds*, and grant him orders on the Committee for sale of confiscated estates, in the county of *Bristol*, in lieu of the same.

XX.

Resolve on the petition of the town of *Eastham*, praying for abatement of taxes. *March* 10, 1788.

On the petition of the town of *Eastham*, in the county of *Barnstable*, setting forth the wretched and distressed situation of that town, and praying some abatement of their present taxes.

Resolved, For reasons set forth in the said petition, that *Nathan Mitchel*, Esq. *Ebenezer Thayer*, jun. Esq. and Mr. *Josiah Dean*, be a Committee to repair to the said town of *Eastham*, at the expence of the said town, to consider the premises, and make report at the next Sessions of the General Court, and that in the mean time the Treasurer is directed to suspend all executions for any taxes now due from the said town of *Eastham*, until the Committee aforesaid shall report.

XXI.

Resolve on the petition of *David* and *Mercy Godfrey*. *March* 10, 1788.

On the petition of *David Godfrey* and *Mercy Godfrey*, administrators on the estate of *Solomon Godfrey*, late of *Chatham*, deceased, setting forth that the said deceased in his life time, sold to one *Peter Cole*, about five acres of land, with a small dwelling-house thereon standing, and received one half of the consideration, and promised to convey the said house and land to the said *Peter*, when he should pay the other half of the consideration, which the said *Peter* now offers to do : Therefore

Resolved, That the prayer of the petition be granted, and the said *David* and *Mercy* be, and they hereby are fully authorized and empowered, in their said capacity, to make and execute to the said *Peter Cole*, a good and lawful deed of the aforesaid five acres of land, with the dwelling-house thereon standing, the said *Peter* paying to them the remaining part of the sum agreed on, between him and the said deceased; the said administrators first giving bond to the Judge of Probate for the county of *Barnstable*, that the sum they shall receive in consequence of this resolve, shall be credited to the said deceased's estate, and disposed of as the law directs.

Resolve

XXII.

Resolve on the petition of *Elizabeth Watherby*, directing the Judge of Probate, to appoint suitable persons to set off her thirds mentioned. *March 10, 1788.*

On the petition of *Elizabeth Watherby* of *Westminster*, representing to this Court, that whereas she was appointed sole executrix on the last will and testament of her husband, *Nathan Watherby*, late of said *Westminster*, deceased; and it appears that the said will was proved and approved, contrary to the meaning and intention of the said *Elizabeth*; and upon examining into the claims of the several creditors to the estate, it appears that it is insolvent, and the will is so constructed, that if it continues and remains in force, that the said *Elizabeth* will be deprived of her right of dower. Therefore

Resolved, That the Judge of Probate for the county of *Worcester*, be, and he hereby is authorized and directed, to appoint suitable persons to set off one third part of the real estate of the said late *Nathan Watherby*, deceased, which shall be considered as the dower of the said *Elizabeth*, the aforesaid will and testament having been proved and approved notwithstanding.

XXIII.

Resolve on the petition of *Joseph Stone*, in behalf of the town of *Harvard*. *March, 10, 1788.*

On the petition of *Joseph Stone*, in behalf of the town of *Harvard*, praying that *Thaddeus Pollard*, chosen a Collector, and charged with the collection of a class-tax, might be empowered to complete the collection of the same, notwithstanding his inability legally to collect it, on account of a mistake in the date of the warrant for empowering him for that purpose.

Resolved, That the said *Thaddeus Pollard*, be, and is hereby fully authorized and empowered to complete the collection of the said class-tax, notwithstanding any error and mistake in the date of the said warrant.

XXIV.

Resolve on the petition of *Joshua Hall*. *March 10, 1788.*

Upon the petition of *Joshua Hall*, head of a class in the town of *Duxboro'*, praying that the present assessors of said town of *Duxboro'* may be empowered to make new bills, adequate to the sum due from the above named class, to the soldier hired by said class in the year 1781.

Resolved, for reasons set forth in said petition, that the prayer of the petition be granted, and the assessors of the town of *Duxboro'*, are hereby authorized and empowered to make such bills as are necessary for the collection of the balance still due from the several members of the above named class.

XXV.

Resolve on the petition of *Elijah Holbrook*. *March 11, 1788.*

On the petition of *Elijah Holbrook*, setting forth that about two years ago, he bought a farm of one *Ebenezer Gregg*, and that the said *Gregg* about four years ago, was bound for his son's appearance at the Supreme Judicial Court, to be holden in the county of *Worcester*, that the bonds were called out against the said *Gregg*, and that execution hath lately issued for one hundred and sixty pounds lawful money, which is more than said farm is worth, and that he cannot have any remedy against the said *Gregg*, by reason of his poverty, and that he finds himself wholly ruined, therefore humbly prays that the said bonds be chancered down, and that he may be enabled to hold the lands purchased of the said *Gregg*, he paying the costs already arisen.

Resolved, That the prayer of the said *Holbrook*, be granted, and the Sheriff of the county of *Worcester* and his Deputy, be directed, and they hereby are directed to return the said execution fully satisfied, on the said *Holbrook's* paying the costs that hath arisen.

XXVI.

Resolve on the petition of *Joseph Knights*, repealing a resolve of the 13th November last, on the petition of *Timothy Cutler*. March 14, 1788.

On the petition of *Joseph Knights* :

Resolved, For reasons set forth in the said petition, that the resolution of the General Court of the 13th of November last, upon the petition of *Timothy Cutler*, be, and is hereby repealed and declared null and void.

XXVII.

Resolve on the petition of *John Tucker* and *Abiel Wood*. March 14, 1788.

Upon the petition of *John Tucker*, praying that he may be restored to his law in an action defaulted against him before *Thomas Rice*, Esq. in favor of *Abiel Wood* :

Resolved, That the prayer of the said petition be granted, and that the said default in the action of *Abiel Wood*, against *John Tucker*, Esq. before *Thomas Rice*, Esq. be taken off, hereby giving to the said *Tucker*, liberty to answer the said suit in the same manner as though the said action had not been defaulted ; and the said *Thomas Rice*, Esq. be, and he hereby is authorized and directed, after giving fourteen days notice to each party, to take cognizance of the said action anew, and that the same proceedings be had thereon in all respects, as if the same had been originally brought to the time of the hearing to be as aforesaid, and the attachments duly made by the aforesaid process to hold good for and until thirty days after the final judgement upon the aforesaid action, provided the petitioner serve the said *Thomas Rice*, Esq. with an attested copy of this resolve, on or before the first day of May next.

XXVIII.

Resolve for cancelling bonds in the impost offices given previous to 1st January, 1787, March 14, 1788.

Whereas there are many bonds in the impost offices which were given to secure the impost of goods imported into this Commonwealth before the first day of January, 1787, by citizens of other States, which goods were afterwards exported to those States where the owners lived, and as by the late impost act all goods in like circumstances are exempted from impost :

Resolved, That all bonds given as aforesaid be cancelled, on satisfactory proof being produced to the Collector of impost, and to the Comptroller-General, that the goods mentioned in such bonds were *bona fide*, exported out of this Commonwealth, and not reloaded therein.

XXIX.

Resolve on the petition of Captain *Samuel Langley*, granting £. 11 17s. 2d. March 14, 1788.

On the petition of Capt. *Samuel Langley*, of *Warwick*, praying that he and his company may receive pay for certain services done, as set forth in the said petition, for reasons mentioned therein :

Resolved, That the prayer of the said petition be granted, and that there be allowed and paid out of the treasury of this Commonwealth to the said *Samuel Langley*, for himself and company, who did the said service as set forth in the pay roll accompanying the said petition, the sum of eleven pounds seventeen shillings and two pence.

XXX.

Resolve in favor of *George Richards Minot*, Esq. Secretary, and Mr. *Kuhn*, Messenger, to the late Convention, together with *Edward Vannaver*. March 14, 1788.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, unto *George Richards Minot*, Esq. the sum of thirty pounds, in full for his services as Secretary to the late Convention of this Commonwealth. To Mr. *Jacob Kuhn*, the sum of ten pounds ten shillings, in full for his services as Messenger to the said Convention, and that they be intitled to the benefits of the resolve of the twenty-fifth of October last, providing

providing means for paying the Members of the said Convention for their services. And also the sum of *six pounds*, to *Edward Vannaver*, in full for his services as Sexton to the Meeting-House, where the Convention met, and twenty days attendance, he also to be intitled to the benefit of the above mentioned resolve:

XXXI.

Resolve on the petition of *William Bridgman*. March 14, 1788.

On the petition of *William Bridgman*, of *Grafton*, in the county of *Worcester*, praying that he may have liberty to pay the sum of *sixty pounds* recovered against him before the Supreme Judicial Court at their Sessions in the county of *Worcester*, April, A. D. 1785, in damage, in the consolidated public securities of this Commonwealth, for reasons set forth in the said petition :

Resolved, That the prayer of the said petition be granted, and that the said *William Bridgman*, have liberty to pay the said *sixty pounds*, as recovered in damage, in the consolidated public securities of this Commonwealth, and the Treasurer is hereby directed to govern himself accordingly.

XXXII.

Resolve on the petition of *John Turner*, Esq. March 14, 1788.

On the petition of *John Turner*, Esq. one of the guardians of the Indians in the county of *Plymouth*, praying to be discharged from that office :

Resolved, That the said *John Turner*, be, and he hereby is excused from any further service in the said office, and that *Seth Briggs*, of *Pembroke*, be and hereby is appointed a guardian of the said Indians in his room :

XXXIII.

Resolve upon the petition of *John McClench*, and others, for ceasing the duty of impost on all Card-Wire. March 17, 1788.

Upon the petition of *John McClench* and others, praying for a repeal of the duty of impost of ten per centum *ad valorem*, on all Card-Wire for reasons set forth in the said petition :

Whereas it appears to this Court that the duty aforesaid operates as a discouragement to the manufacture of Wool and Cotton Cards within this Commonwealth :

Resolved, That from and after the passing this resolve, the duty of impost on all Card Wire imported into this Commonwealth shall cease, any law or resolve to the contrary notwithstanding.

XXXIV.

Resolve on the petition of *James Cargill*, grant to, in case. March 17, 1788.

On the petition of *James Cargil*, of *New-Castle*, setting forth the great loss he has sustained by capturing four vessels while he commanded the eastern militia regiment, and praying the General Court to grant him relief :

Resolved, For reasons set forth in the said petition, that on the petitioner's paying into the public treasury of this Commonwealth, *two hundred and eighty-five pounds* new-emission money, and producing the Treasurer's receipt therefor to the Governour and Council, they be, and are hereby authorized and requested to issue their warrant on the Treasurer in favor of *James Cargil*, for *three hundred and eighty-seven pounds, twelve shillings*, to be paid out of the first monies that shall come into the treasury not already appropriated, in full compensation for the damage he hath sustained as set forth in his petition and also in full for the aforesaid sum of *two hundred and eighty-five pounds* new-emission money.

XXXV.

MESSAGE from his Excellency the Governour, by the Secretary. March 17, 1788.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

THE Secretary will lay before you a letter which I received from the Hon. *Benjamin Lincoln*, Esq. with a memorandum to which it refers for some facts ; and also another letter from *John Lee*, of *Penobscot* ; a gentleman mentioned in General *Lincoln's* letter.

By

By these letters it appears that the line of property between the Commonwealth's land, and those of the *Penobscot* tribe of Indians, is not formally settled, and that a difficulty and dissention may take place unless some further attention is paid to that affair.

By the same letters and by papers remaining in the Clerk's office of the Supreme Judicial Court it appears, that *Andrew Gilman*, *Archibald McPhetres* and *James Page*, have been committed upon suspicion of having murdered *Peeah*, an Indian of that tribe, but no evidence appearing against them, they were enlarged on recognizance to appear at the next term: Least there should be a failure in the prosecution I have by advice of Council requested *Joseph Libbert* and *Simon Fowler*, Esq's, two Justices of the Peace near the place where the unhappy affair is said to have been transacted, to convene before them and to recognize such witnesses as may be had, and have also requested them to give that tribe of Indians, notice when the trial will take place, that such of them may attend as shall choose to be there. I have also given the Attorney-General notice of these measures, and urged his attention to the business as a matter on which the peace and safety of some part of the county of *Lincoln*, very much depend.

This is all that lays within my department in this business, but I conceive it to be my duty, gentlemen, to request your attention to it as a matter that is of great consequence to the Commonwealth, for though perhaps a very small force may subdue or extirpate that tribe of natives, if they should commence hostilities, yet the effecting it, would be more expensive and troublesome, than the completing a treaty respecting their lands, can be. I need not observe, that it is much more consistent with humanity to conciliate their affections than subdue them by force.

JOHN HANCOCK.

COUNCIL-CHAMBER, March 17, 1788.

XXXVI.

Resolve on the petition of *Francis Bridge*. March 17, 1788.

On the petition of *Francis Bridge*, setting forth that judgment has been rendered against him on default by the hon. *Abel Wilder*, Esq; for receiving excessive usury, which judgment amounts to about *one hundred and twenty pounds*.

Resolved, That for reasons set forth in the said petition, and it appearing that there were mitigating circumstances in favour of the said petitioner, there be and hereby is remitted to the said *Francis Bridge*, the sum of *sixty pounds*, it being this Commonwealth's proportion of the judgment aforesaid.

XXXVII.

Resolve on the petition of *John Turner*, authorizing the guardians of the *Plymouth* Indians to make sale of the land mentioned. March 17, 1788.

On the petition of *John Turner*, late one of the guardians to the Indians in the county of *Plymouth*, praying for the sale of a part of the lands belonging to the tribe of Indians in the town of *Pembroke*, as set forth in said petition.

Resolved, That *Seth Brigs*, *David Kingman* and *John Nelson*, Esq; guardians to the *Plymouth* Indians, be, and they are hereby authorized and empowered to make sale of all the lands belonging to the Indian tribe in the town of *Pembroke*, in the county of *Plymouth*, excepting twenty acres of land with the house standing on the same, for the most it will fetch, and they are hereby authorized and empowered in the behalf of the said Indians, to make and execute a good deed or deeds of the said lands, and the said guardians, are hereby directed to pay to the said *John Turner*, Esq; the sum due to him from said Indians, it being *seventy-one pounds fifteen shillings and two pence*, and the remainder if any there be, put to interest for the benefit of the said Indians, and the said guardians to be accountable for the expenditure of the same, to the General Court of this Commonwealth.

XXXVIII.

Resolve on the representation of *Amasa Davis*, Q. M. General, discharging him of the sum mentioned, and directing to adjust the accounts still due, as directed. March 17, 1788.

Whereas

Whereas a Committee of both Houses appointed to examine the accounts of *Amasa Davis*, Quarter-Master-General, have reported that they have examined the same, and that them they find well vouched and right cast, and that there is a balance of *three hundred and fifty-four pounds sixteen shillings and one penny*, due on the first of *March 1788*, including his services to that time, from the said Quarter-Master-General, to this Commonwealth, which he has acknowledged.

Resolved, That the said accounts and vouchers be lodged in the Secretary's office, and that the said *Amasa Davis*, Quarter-Master-General, be, and he hereby is discharged from the aforefaid sum of *twelve thousand one hundred and forty-five pounds three shillings and eleven pence*, and that he be accountable for the balance of *three hundred and fifty-four pounds sixteen shillings and one penny*, as aforementioned.

Be it further *Resolved*, That the said Quarter-Master-General, continue to settle, adjust and pay the accounts still due from this Commonwealth, in the same way and manner as he is directed by a resolve passed the twenty-second day of *November, 1787*, and exhibit his account to the General Court, who will make him reasonable allowance for the same.

XXXIX.

Resolve on the petition of Selectmen of the town of *Washington*, directing the Treasurer to credit the Collector of the said town, with a certain sum. *March 17, 1788.*

On the petition of the Selectmen of the town of *Washington*.

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed to credit to *Asa Hill*, Collector of the said town of *Washington*, for the year one thousand seven hundred and seventy-nine, the sum of *thirty-seven pounds sixteen shillings and four pence*, in full of the abatement made to the said town, by a resolve of the General Court of the fourteenth of *June*, one thousand seven hundred and eighty.

XL.

Resolve on the petition of *Job Winslow*, directing the Treasurer to give an order on *John Wescoat*, for the sum of *£.6.* *March 17, 1788.*

On the petition of *Job Winslow*, praying that the Treasurer of this Commonwealth may be directed to issue an order on the specie part of tax No. 5, in lieu of one which he has lost :

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 give an order on *John Wescoat*, in favor of *Job Winslow*, for the sum of *six pounds*, on the specie part of tax No. 5, he the said *Job Winslow*, to give bonds with sufficient surety to the Treasurer for the same.

XLI.

Resolve on the petition of *John Hill*, Esq. grant to. *March 18, 1788.*

On the memorial of *John Hill*, Esq.

Resolved, That there be allowed and paid out of the publick Treasury to *John Hill*, Esq. *twenty-two pounds four shillings*, in full of his account exhibited, for running the lines between certain strips or gores of unappropriated lands in the county of *York*, belonging to this Commonwealth and the towns adjoining, as directed by a resolve of the General Court of *February 28, 1787.*

XLII.

Resolve on the petition of *Temple Decoster*. *March 18, 1788.*

On the petition of *Temple Decoster*, setting forth that he was a soldier in Col. *Crane's* regiment of artillery for three years, and that in his absence from this Commonwealth, a person in *January* the 4th, 1783, signed an order in his name in favour of *Casbarine Decoster*, and obtained his wages to the amount of *thirty-five pounds seventeen shillings*

shillings and two pence, by which means he has been defrauded of his wages justly due to him, and praying for relief :

Resolved, That the Treasurer be, and he is hereby directed to issue and pay the said *Temple Decoster*, *thirty-five pounds seventeen shillings and two pence*, in specie notes, in the same manner as he would have done, had his wages never been drawn.

XLIII.

Resolve on the petition of a number of the inhabitants of the towns of *Stoughton* and *Sharon*, reverting the sentences of a general court-martial, against *Capt. James Pope*, and *Lieut. Lemuel Capen*. *March 18, 1788.*

On the petition of a number of the inhabitants of the towns of *Stoughton* and *Sharon*, praying that the sentence of a general court-martial, holden at *Dorchester*, in the county of *Suffolk*, on the 31st of *December, 1787*, relative to *Capt. James Pope* and *Lieutenant Lemuel Capen*, may be reversed. This Court being sensible of the importance and absolute necessity of a strict attendance to duty in military officers, and the obligation they are under to obey the orders of government and their superiour officers, and fully satisfied with the proceedings of the said court-martial, yet considering the happy effect the lenitive measures which have been extended by the General Court the year past have produced, and that lenity to *Capt. Pope* and *Lieut. Capen*, agreeably to the right which this Court have to extend the same, may be productive of like beneficial consequences: Therefore,

Resolved, That the part of the sentence of the said court-martial against the said *James Pope*, which renders him incapable of holding any military commission for seven years; and that part of the sentence of the said court-martial against the said *Lieut. Lemuel Capen*, which renders him incapable of holding any military commission for three years, be, and hereby is reversed.

XLIV.

Resolve on the petition of *William Howe*. *March 18, 1788.*

On the petition of *William Howe*, one of the creditors to the estate of *Daniel Murry*, an absentee, praying that the Judge of Probate for the county of *Worcester*, may be empowered to direct the commissioners on the said *Murry's* estate, to examine and allow what may further appear to be due on the said petitioner's demand:

Resolved, for reasons set forth in the said petition, that the prayer thereof be so far granted, that the Judge of Probate for the county of *Worcester* be, and he hereby is authorized and empowered, to empower the commissioners to re-examine the claim of the said petitioner, he paying the whole expence of such examination.

XLV.

Resolve on the petition of the Selectmen of the district of *Carlisle*, in the county of *Middlesex*, authorizing the Selectmen to assess the inhabitants of that part of said district which was taken from the town of *Concord*, that may be due. *March 19, 1788.*

On the petition of the Selectmen of the district of *Carlisle*, in the county of *Middlesex*, setting forth there is now due from that part of the said district which was taken from the town of *Concord*, the sum of *twelve pounds* and upwards, to pay their proportion of the debts of the town of *Concord*, at the time of the incorporation of the said district of *Carlisle*:

Resolved, That the prayer of the petition be granted, and that the Selectmen of the said *Carlisle* be authorized and directed, to assess on the inhabitants of that part of the district of *Carlisle*, which was taken from the town of *Concord* aforesaid, the whole sum that may be due, to pay their proportion of the debts of the town of *Concord* aforesaid, at the time of the incorporation of the said district of *Carlisle*.

XLVI.

Resolve on the petition of *John Whitney*. March 19, 1788.

On the petition of *John Whitney*, of *Westborough*, representing that his wages, amounting to *forty pounds* and *three shillings*, have been paid on a forged order, and praying the consideration of this Court :

Resolved, That the Treasurer be, and he hereby is directed to pay out of the publick treasury to the said *John Whitney*, or order, the sum of *forty pounds* and *three shillings*, in publick securities, of the same kind and date, with that which was drawn on the forged order aforesaid, the wages being drawn as aforesaid notwithstanding.

And it is further *Resolved*, That the Attorney-General be, and he hereby is directed to prosecute the person who has fraudulently obtained the said wages, to recover the same to the use of this Commonwealth.

XLVII.

Resolve on the petition of *Elisba Jackson*, agent for the town of *Gardner*, directing in all future taxes, the sum of *three farthings*, to be taken from the said town of *Gardner*, and set to *Winchendon*. March 20, 1788.

On the petition of *Elisba Jackson*, agent for the town of *Gardner*, setting forth, that certain lands belonging to *William Whitney*, were by an act passed March 2, 1787, set off from the town of *Gardner*, and annexed to the town of *Winchendon*, and that the said lands were in the last valuation accounted to the town of *Gardner*, and praying relief.

Resolved, That in all future taxes, the sum of *three farthings*, of *one thousand pounds*, be taken from the town of *Gardner*, and set to the town of *Winchendon*.

XLVIII.

Resolve making provision for paying the Attorney-General. March, 20, 1788.

Whereas by a resolution bearing date the nineteenth day of *November*, last past, provision was made for the payment of the Judges of the Supreme Judicial Court, for the arrears due to them ; and, by mistake, no provision was made for the arrears then due to the Attorney-General.

Resolved, That the same provision be, and hereby is made in favor of the Attorney-General, that was made by the said resolve in favor of the Judges aforesaid ; and the Treasurer, is ordered and directed to govern himself accordingly.

XLIX.

MESSAGE from his Excellency the Governour, by the Secretary. March 20, 1788.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*;

The Secretary will lay before you, a letter, which I received last evening from Governour *Clinton*, with sundry inclosures, respecting our western lands. I have taken the earliest opportunity of communicating them to you ; as I have understood the subject of them, is now under your consideration, and as they are very important, I have not retained the papers, to make any observations upon them, but earnestly recommend them to your serious attention.

J O H N H A N C O C K.

COUNCIL-CHAMBER, March 20, 1788.

L.

MESSAGE from his Excellency the Governour, by the Secretary. March 20, 1788.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

The Secretary has laid before me, a resolve, granting to Capt. *Benjamin Heywood*, the sum of *one hundred and twenty pounds*, in full compensation for services by him performed. I conclude the General Court did not recollect, that a resolve passed, and a war-

rant

rant was drawn by me, for the same sum, and for the same services, on the second day of *March*, 1787. I have therefore sent by the Secretary, the petition and resolve passed this day, in order that they may be cancelled.

J O H N H A N G O C K.

COUNCIL-CHAMBER, *March* 20, 1788.

LII.

Resolve on the petition of *Benjamin Fearing*, extending the resolve to the first of *July* next, and discharging the town of *Wareham*, the tax mentioned at that time. *March*, 21, 1788.

On the petition of *Israel and Benjamin Fearing*, Selectmen of the town of *Wareham*, in behalf of the said town, praying that the time allowed for the completing the payment of taxes by a resolve, passed *March* 23, 1786, and *March* 10, 1787, may be lengthened out, for reasons mentioned in the said petition.

Resolved, That the prayer of the said petition be granted, and that the time limited by the aforesaid resolve, be and hereby is extended to the first day of *July* next, and that the said town of *Wareham*, discharging the said tax by that time, shall be entitled to the same abatement, as if the same had been paid according to the resolve aforesaid; and the Treasurer is directed to govern himself accordingly.

LIII.

Resolve on the petition of *Seth Smith*, directing the Treasurer to pay the interest due on the notes mentioned. *March* 21, 1788.

On the petition of *Seth Smith*, Treasurer of the Congregational Parish in *Norton*, praying that the Treasurer of this Commonwealth, may be directed to receive several consolidated notes of this Commonwealth, and to issue one note, including the whole sum.

Resolved, For reasons set forth in the said petition, that the prayer thereof be granted, and that the Treasurer of this Commonwealth be, and he hereby is directed to pay the interest due on the said notes, and to receive the principal, amounting to *seven hundred and seventy three pounds*, contained in several notes; and to issue one note, including the said sum, payable in the same manner as the aforesaid notes.

LIII.

Resolve on the petition of *Levi Thayer*, reversing a Judgment, and giving *Timothy Rawson* liberty to enter his action. *March* 22, 1788.

On the petition of *Levi Thayer*, praying that a judgment recovered against him, at the Court of Common Pleas, held at *Worcester*, in and for the county of *Worcester*, on the second Tuesday of *June*, 1786, by *Timothy Rawson*, may be set aside, for reasons mentioned in his said petition.

Resolved, That the said Judgment, and any Execution, that may have been issued thereon, be, and hereby are reversed, vacated, and made null and void, and that the said *Rawson*, may, if he see cause, re-enter his said action at the next Court of Common Pleas, to be held in and for the said county of *Worcester*; and the same proceedings had thereon, as though the said action, had been regularly continued from term to term, till the said next term of said Court.

LIV.

Resolve on the petition of *Levi Thayer*, declaring void, a judgment against him, and giving liberty to *John Eames*, to enter his action. *March* 21, 1788.

On the petition of *Levi Thayer*, praying that a judgment recovered against him while absent from the Commonwealth, by *John Eames* of *Framingham*, in the county of *Middlesex*, at a Court of Common Pleas, held at *Worcester*, in and for the county of *Worcester*, in *June* term, *one thousand seven hundred and eighty-six*, may be set aside, for reasons mentioned in the said petition.

Resolved,

Resolved, That the prayer of the said petition be granted, and that the said judgment, and any execution thereon issued, be and hereby are made and declared null and void; and that the said *Eames*, may, if he see cause, enter his action aforesaid, at the next Court of Common Pleas for the said county of *Worcester*; and that the same proceedings shall be had thereon, as if the said action had been regularly continued from term to term in the said Court, till the said next term of the said Court.

LV.

Resolve on the petition of *Edward Tyler*, in behalf of *Elisba Tyler*, rendering a certain judgment void, upon condition. *March 17, 1788.*

Upon the petition of *Edward Tyler*, in behalf of *Elisba Tyler*, praying that a judgment recovered against the said *Elisba*, at a Court of Common Pleas, holden at *Pownalboro'* within and for the county of *Lincoln*, on the first Tuesday of *June*, one thousand seven hundred and eighty-seven, by *Samuel Stimson*, for reasons in the same petition mentioned, should be set aside.

Resolved, That the prayer of the petition be granted, and that the said judgment be and hereby is rendered null and void, upon this condition, and not otherwise; that the said *Elisba* shall re-enter the same action at the next Court of Common Pleas, to be holden at *Pownalboro'*, within and for the county aforesaid, on the first Tuesday in *June* next; and shall then in the said Court, enter into a rule to refer the same action, with the cost that has already arisen thereon, to the determination of *Thomas Rice*, Esq; *David Gilman* and *Jonathan Davis*, or in case either of them should decline or be unable to attend, to the other two, with *Samuel Howard*, and shall attend the said reference at the said *Pownalboro'*, during the sitting of the same Court, so as that the report may be made at the same Court, but if the said *Tyler*, should not comply with the said condition, then the aforementioned judgment is to be, and abide in full force, and the bail shall, whether the reference is entered into or not, be held good and valid, but no *scire facias* shall be issued against them, until after the said Court, nor shall that part of the law, providing that *scire facias* shall issue against the bail, within one year next after final judgment, be considered as in force in this case.

LVI.

Resolve on the petition of *Timothy Goodell*, of *Athol*, declaring a certain judgment to be void, and giving liberty to *Ebenezer Rockwood*, to enter his action. *March 22, 1788.*

On a petition of *Timothy Goodell*, of *Athol*, praying that a judgment recovered against him by default, in an action commenced by *Ebenezer Rockwood*, of *Pittsford*, in the State of *New-York*, before *Hiram Newell*, Esq; of the said *Athol*, one of the Justices assigned to keep the peace, within and for the county of *Worcester*, on the eleventh day of *June*, 1787, on a process of confession, may be set aside; and that the petitioner may have an opportunity to defend the same, in the same manner as if no such default had happened: For reasons set forth in the said petition,

Resolved, That the aforesaid judgment on default be, and the same hereby is declared to be null and void, and the said *Ebenezer Rockwood*, have liberty to enter his said action at the Court of Common Pleas, next after the 1st day of *April* next, to be holden at *Worcester*, within and for the county of *Worcester*, if he see fit, and the said petitioner shall be considered in the same situation as if he had appeared before the said Justice and refused to confess or refer the trespass or demand of the plaintiff agreeably to law, and the said Justice shall certify a copy of the proceedings before him at the said *Rockwood's* request, as if the said *Rockwood* had formally notified the petitioner, in the presence of the said Justice that the action would be carried and entered at the said Court of Common Pleas, and the said *Newell* shall cause the said *Rockwood*, his Agent or Attorney, to be served with a copy of this resolve, at least fourteen days before the setting of the said Court.

LVII.

Resolve on the petition of *John Heath*, directing the Treasurer to delay calling upon him for the balance due, until further order. *March 22, 1788.*

Upon the petition of *John Heath*.

Resolved, That for reasons set forth in the said petition, the Treasurer be, and he hereby is directed to delay calling upon *John Heath*, for the balance due from him to this Commonwealth, until the further order of the General Court.

LVIII-

Resolve on the petition of *Seth Welber*. March 22, 1788.

On the petition of *Seth Welber*, setting forth, that he had his wages drawn by a forged order.

Resolved, That the Treasurer of this Commonwealth, be, and he hereby is directed to pay and deliver to *Seth Welber*, in full for his services in the continental army, as mentioned in his said petition, such notes as he would have been intitled to, had his wages not been drawn by a forged order.

LIX.

Resolve on the petition of *Stephen Torrey*, setting aside two judgments; and directing the Clerk of the Court of Common Pleas for *Worcester* county, to place said actions on the docket of the said Court, and authorizing the Justices to proceed in said actions.

March 22, 1788.

On the petition of *Stephen Torrey*, praying that two judgments rendered against him, at the Court of Common Pleas held at *Worcester*, on the first Tuesday of *December* last, one by *Ebenezer Torrey*, the other by *Ebenezer Torrey, jun.* and both of *Boston*, in the county of *Suffolk*, may be set aside,

Resolved, for reasons set forth in the said petition, that the prayer thereof be so far granted, that the aforesaid judgments and all proceedings in consequence of the said judgments, be set aside, and rendered null and void, and that the Clerk of the Court of Common Pleas, for the county of *Worcester*, may, and hereby is directed, to place the said actions on the docket of the said Court, at the next term thereof, to be holden at the said *Worcester*, on the last Tuesday of *March* current; and that the Justices of the said Court, are hereby authorized and empowered, to proceed in the said actions, as if no default had been suffered; and that all the lawful cost that has arisen on the said actions, previous to the passing this resolve, be paid and discharged by the defendant.

LX.

Resolve on the petition of *Benjamin Moses*, declaring void a certain judgment, and empowering *Edward Dalton*, to enter the action mentioned, March 22, 1788.

Upon the petition of *Benjamin Moses* of *Salem*, in the county of *Essex*, mariner, administrator of the estate of *Eleazer Moses*, late of the same *Salem*, mariner, deceased.

Resolved, That the judgment recovered by default, against the said *Benjamin*, in his said capacity, before *William Pyncheon, Esq;* on the first day of *October* last, past, in favour of *Edward Dalton*, of *Salem* aforesaid, mariner, be, and hereby is declared void, and that the said *Edward Dalton*, be, and he is hereby empowered, to enter his said action, against the said *Benjamin*, in his said capacity, at the next Court of Common Pleas, to be holden at *Ipswich*, within and for the county of *Essex*, on the first Tuesday of *April* next, and to produce all the papers and evidence, filed in the said case, in the same manner that he might have done, if the said *Benjamin* had appeared before the said *William Pyncheon, Esq;*—the said *Edward Dalton*, and the Justices of the said Court of Common Pleas, are hereby empowered, to take cognizance of the same, as if the same came before the said Court, in the ordinary course of law; and further that the said *Benjamin*, give notice to the said *Edward Dalton*, by serving him with an attested copy of this resolve, seven days at least, before the first day of *April* next.

LXI.

Resolve on the petition of *Margaret Seabury*, declaring void, a judgment rendered against her, and empowering her to enter her action against *Ebenezer Kingsbury*.
March 22, 1788.

On the petition of *Margaret Seabury*, praying for a re-hearing of an action therein mentioned, for reasons alledged in her said petition.

Resolved, That the judgment rendered against *Margaret Seabury*, on the ninth day of *August*, last past, before *Joseph Greenleaf*, Esq; in favour of *Ebenezer Kingbury*, and execution issued thereon, be, and hereby are declared null and void, and that the said action be revived, and the said Justice be empowered to take cognizance thereof, on Monday the 2d day of *June* next, at ten o'clock in the forenoon, at his dwelling-house in *Boston*, and the said parties may appear before the said Justice, and the same proceedings may be had thereon, as if the said writ had been originally returnable before him on the said second day of *June* next, in the ordinary course of law, and further, that the said *Margaret Seabury* give notice to the said *Ebenezer Kingbury*, by serving him with an attested copy of this resolve, fourteen days at least, before the said 2d day of *June* next.

LXII.

Resolve on the petition of *Enoch Adams*, empowering the committee on unappropriated lands in the eastern counties, in this case. *March 24*, 1788.

On the petition of *Enoch Adams*, setting forth, that part of a township which he, and his associates contracted for, with the committee on the subject of unappropriated lands in the counties of *Cumberland* and *Lincoln*, on running the lines of the said township, part of it is found to be within the county of *York*, and praying that some person or persons may be appointed to compleat said contract :

Resolved, That the committee on the subject of unappropriated lands in the counties of *Cumberland* and *Lincoln*, who contracted with *Enoch Adams*, and his associates, for a township of land which now appears to be partly within the county of *York*, be, and they hereby are empowered to compleat the said contract, and to make and execute a deed thereof, in behalf of this Commonwealth, any part of the said township being within the county of *York*, notwithstanding.

LXIII.

Resolve on the petition of the Selectmen of the town of *Parsonsfield*. *March 24*, 1788.

On the petition of the Selectmen of the town of *Parsonsfield*, setting forth, that the Assessors of the said town in assessing the inhabitants thereof, to the tax granted by the General Court, in the year *one thousand seven hundred and eighty-six*, assessed them in an illegal and unwarrantable manner, by means whereof the assessment cannot be collected. Wherefore

Resolved, That the Selectmen or assessors of the town of *Parsonsfield*, for the time being, be, and they are hereby empowered and directed to assess the inhabitants of the said town of *Parsonsfield*, the sum of *two hundred pounds five shillings and ten pence*, being their proportion of the tax granted in the year *one thousand seven hundred and eighty-six*, in the same way and manner, and agreeable to the rule prescribed in the said tax-act, and make return of the same into the Treasurer's office, on or before the first day of *May* next, and the Treasurer is hereby directed to stay his executions against the Constables or Collectors of the said *Parsonsfield*, until the first day of *August* next.

LXIV.

Resolve establishing the pay of the Committee on Finance, appointed in the recess of the General Court. *March 24*, 1788.

Resolved, That there be allowed and paid out of the publick Treasury of this Commonwealth, to the Committee of Finance, appointed in the last session of the General Court, to set in the recess, the sums to their several names respectively annexed, agreeably to the foregoing schedule, viz. Hon. *Theophilus Parsons*, *six pounds sixteen shillings and six pence*, Hon. *Samuel A. Otis*, Esq. *six pounds six shillings*, *Samuel Lyman*, Esq. *seven pounds fourteen shillings*, Hon. *Eleazer Brooks*, Esq. *five pounds twelve shillings*, Dr. *Daniel Coney*, *five pounds twelve shillings*, Capt. *Elisba Mitchel*, *six pounds thirteen shillings*, *Josiah Dean*, Esq. *four pounds eleven shillings*, Major *Samuel Nason*, *ten pounds*, Hon. *Solomon Freeman*, Esq. *six pounds two shillings and six pence* ; amounting in the whole, to the sum of *fifty-nine*

nine pounds ten shillings, which sums are in full for their travel and attendance on the committee aforesaid.

LXV.

Resolve on the representation of *Richard Devens, Esq.* Commissary-General, granting £.6000. *March 24, 1788.*

On the petition of *Richard Devens, Esq.* Commissary-General, praying for a warrant on the Treasury; to enable him to execute the duty of his department :

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to *Richard Devens, Esq.* the sum of six thousand pounds, to be paid out of the back taxes not already appropriated, he to be accountable for the expenditure thereof.

LXVI.

Resolve on the petition of *Nathaniel Bethune*, empowering the Treasurer to make out and deliver State Notes for a certain sum against *Robert Auchmuty, Esq's* estate. *March 24, 1788.*

On the petition of *Nathaniel Bethune*, and *Mary Bethune*, executors to the last will and testament of *George Bethune*, deceased, shewing that *Robert Auchmuty, Esq.* late of *Roxbury*, an absentee, was indebted to the said *George*, in the sum of thirty-seven pounds six shillings and eight pence, by his note, dated *April the 4th, 1769*, and praying that their claim may be allowed them out of the proceeds of the said *Auchmuty's* estate.

And whereas it appears that there is more than sufficient of the proceeds of the sale of the said *Auchmuty's* estate, to pay the debts already allowed against the said estate, including the said note, paid into the Treasury of this Commonwealth.

Therefore *Resolved,* That the Treasurer of the said Commonwealth be, and he is hereby empowered and directed to make out and deliver the said executors, in behalf of the said Commonwealth, thirty-seven pounds six shilling and eight pence, in the form of the State consolidated notes, in full for their claim against the said estate : They first giving bond to the said Treasurer in their said capacity, in the penal sum of double the sum contained in the said note, with condition, that in case it shall hereafter appear that there is more just claims to the said estate than the whole of it will pay, then, and in that case the said *Nathaniel* and *Mary*, shall refund what they shall have received more than their proportionable part thereof.

LXVII.

Resolve on the petition of *Nathaniel Bethune*, and *Mary Bethune*, empowering the Treasurer to make out and deliver £226. 13s. 4d. in consolidated notes, for their claim against *Thomas Oliver's* estate. *March 24, 1788.*

On the petition of *Nathaniel Bethune* and *Mary Bethune*, executors to the last will and testament of *George Bethune*, deceased, shewing that *Thomas Oliver, Esq.* late of *Cambridge*, an absentee, was indebted to said *George*, in the sum of two hundred and sixty pounds thirteen shillings and four pence, by his bond, dated the 25th day of *August, 1774*; and praying that their claim may be allowed them out of the proceeds of the said *Oliver's* estate. And whereas it appears that there is more than sufficient of the proceeds of the sale of the said *Oliver's* estate, to pay the debts already allowed against the said estate, including the said bond, paid into the Treasury of this Commonwealth :

Therefore *Resolved,* That the Treasurer of the said Commonwealth be, and he is hereby empowered and directed to make out and deliver the said executors, in behalf of the said Commonwealth, two hundred and sixty-six pounds thirteen shillings and four pence, in the same form of the State consolidated notes, in full for their claim against the said estate, they first giving bond to the said Treasurer, in their said capacity, in the penal sum of double the sum contained in the said note, with condition, that in case it should hereafter appear that there is more just claims to the said estate than the whole of it will pay, then and in that case, the said *Nathaniel* and *Mary* shall refund what they shall have received, more than their proportionable part thereof.

LXIX.

Resolve repealing a resolve of the first of *March*, 1786, relative to a certain Island, lying within the county of *Lincoln*, called *Deer-Island*, and confirming the whole of the Island, excepting as mentioned, unto *Joseph Tyler*, and *George Tyler*, upon certain conditions. *March* 24, 1788.

Whereas by a resolve of the General Court of this Commonwealth of the 21st day of *March*, *A. D.* 1786, a certain Island, lying within the county of *Lincoln*, called *Deer-Island*, together with a small Island, lying near the west shore of the said *Deer-Island*, called *Sheep-Island*, was granted and confirmed to *Joseph Tyler*, and the other settlers thereon, upon certain conditions in the said resolve mentioned: And whereas from the large number of grantees of the said Islands, it has been found inconvenient to execute the measures proposed by the said resolve, and the conditions of the grant aforesaid have not been performed, though the time limited for the performance thereof hath expired, whereby the settlers upon the said Islands are deprived of the benefits intended them by the government, and the interests of the Commonwealth are retarded: It is therefore

Resolved, That the said resolve, be, and it is hereby repealed, and that the whole of the Islands aforesaid, excepting as hereafter mentioned, be, and hereby are granted and confirmed, unto *Joseph Tyler* and *George Tyler*, resident on *Deer-Island* aforesaid, and unto their heirs and assigns forever, upon the following conditions, *viz.* That the said *Joseph* and *George*, lay out and appropriate unto all persons who settled on either of the Islands aforesaid, and made a separate improvement by erecting a dwelling-house, and residing before the first day of *January*, *A. D.* 1784, their heirs or assigns, one hundred acres each, to hold in severalty, and so laid out as to include their respective improvements, as a compensation for settlement, excepting to the heirs or assigns of *Nathaniel Kent*, who in consideration of his extraordinary expences in promoting the settlement of the said Islands, shall be intitled to hold and enjoy forever, a certain tract conveyed to him by *Jonathan Greenlaw* and others, which lands so to be appropriated as aforesaid, are hereby granted and confirmed unto the said settlers, and to their heirs and assigns forever, on condition that they pay unto the said *Joseph* and *George*, or to their heirs or assigns, the sum of *thirty shillings* for each lot, to be appropriated as aforesaid, within twelve months from the date hereof, for the survey and other charges, and in case it shall be found, in laying out the lands to be appropriated to the settlers as aforesaid, that there shall not be sufficient land containing improvements for every settler to take the quantity aforesaid, without interfering with land, previously occupied by some other person, any settler in such case shall be intitled to receive the whole, or any part of his proportion elsewhere.

And the present grant to the said *Joseph* and *George*, is upon the further condition, that they, their heirs or assigns, appropriate three hundred acres of land, for the use of the Ministry, and three hundred acres for the use of a Grammar-School; and that they pay into the Treasury of this Commonwealth, within fifteen months from the passing of this resolve, the sum of *one hundred and sixty-three pounds*, in specie, and the further sum of *two hundred and sixty-five pounds*, in consolidated securities of this Commonwealth, within three months from the passing of this resolve.

The said *Deer-Island*, and *Sheep-Island*, granted as aforesaid, are bounded as follows, *viz.* Northeasterly, on *Eggamogan-Reach*, which separates *Deer-Island* from township No. IV, lying between *Penobscot-River*, and *Union-River*, beginning at *Hardy's-Point*, at the north-end of the said Island, from thence running southeasterly by several head lands to *Campbell's-Point*, from thence southwesterly, to the northwest point of *Campbell's-Island*, thence by the westerly and southwest shore of *Campbell's-Island*, to the south extreme of the same, from thence easterly passing on the southerly side of *Island B*, as marked on a plan taken by *Rufus Putnam*, Esq; in the year 1785, to the northeast point of *Stinson's-Neck*, from thence southerly, touching the extreme head lands of *Stinson's-Neck*, to the most southerly point thereof, from thence southwesterly to the east point of *Babbridge's-Neck*, from thence southerly to the southwest point of *Deer-Island*, from thence southwesterly and westerly, touching the extreme head lands of *Deer-Island*, to a point thereof, opposite *Croch-Island*, by *Deer-Island* thorough-fare, from thence northwesterly, to the west-point of *Deer-Island*, near southwest harbour, from thence

northerly, touching the west extreme of *Sheep-Island*, to *Denham's-Point* or ragged head, from thence northeasterly, touching the east extreme of *Carnne's-Island*, to *Hardy's-Point* aforesaid, which description includes *Deer-Island*, proper, *Greenlaw's-Neck*, *Stinson's-Neck*, *Babbridge's-Neck*, and *Sheep-Island*, which lies near the west shore of *Deer-Island*.

LXX.

Resolve on the petition of *Joseph Trumbell*, grant to. *March 24, 1788.*

On the petition of *Joseph Trumbell*.

Resolved, for reasons set forth in the said petition, that there be allowed and paid out of the Treasury of this Commonwealth, to *Joseph Trumbell*, living on a gore of land in the county of *Worcester*, not belonging to any town, the sum of *fifteen pounds*, in full compensation for his cost and trouble, in doctoring and nursing his son, who was taken sick in the army, in the year 1776.

LXXI.

Resolve on the petition of *John Crawford*, grant to. *March 24, 1788.*

On the the petition of *John Crawford*, a non-commissioned officer in *Capt. Halloway Taylor's* company of cavalry, in *Col. Craft's* regiment, praying for compensation for the loss of his horse, in the service of the Commonwealth :

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth to the said *John Crawford*, the sum of *eleven pounds*, in full compensation for the loss of his horse, as set forth in his petition, to be paid out of the specie part of tax No. five.

LXXII.

Resolve respecting *New-Bedford*, regulating future taxes. *March 24, 1788.*

Whereas the town of *Westport*, and the town of *New-Bedford*, have been severally set off from the town of *Dartmouth*, since the last valuation was made, and no regulation is provided for proportioning of future taxes :

Resolved, That in all taxes hereafter to be laid, the said towns of *Westport* and *New-Bedford*, and the town of *Dartmouth*, shall be assessed the same proportionate sums which they would have been severally assessed, as parts of the town of *Dartmouth*, before the said towns of *Westport* and *New-Bedford*, were set off as aforesaid : And the Assessors of each town, are hereby empowered and directed to assess the same accordingly.

LXXIII.

Resolve on the petition of *John Allan*, late Superintendent of Indian Affairs, directing the committee for auditing accounts, to credit the accounts of the said *Allan*, and directing the Commissary-General to settle his ration account. *March 24, 1788.*

On the petition of *John Allan*, late Superintendent of Indian Affairs for the United States, in the eastern part of this State, setting forth that several accounts are now due to him for expenditures in his department, to the amount of *one hundred and seventy-six pounds nineteen shillings and two pence*, omitted through mistake in his late settlement, and that part of his ration account yet remains unsettled.

It is therefore *Resolved*, That the committee for auditing publick accounts be, and they hereby are directed to audit the accounts of the said *Allan*, and certify such part as appears to be well vouched, and to charge the same to the United States ; and the Commissary-General is also directed to settle the ration account of the said *Allan*, and charge the same to the United States.

LXXIV.

Resolve making establishment for the members of the General Court. *March 24, 1788.*

Resolved, That there be allowed and paid to the members of the Hon. Council, *eight shillings* for each day's attendance ; to the members of the Hon. Senate, *seven shillings and six pence*, and to the members of the House of Representatives, *seven shillings*, for each day's attendance the present session of the General Court, and the same pay for travel that has been usually allowed. It

It is further *Resolved*, That there shall be paid out of the publick Treasury to the Hon. *Samuel Adams*, Esq. President of the Senate, and to the Hon. *James Warren*, Esq. Speaker of the House of Representatives, each, the sum of *six shillings* per day, for every day's attendance on the General Court the present session, over and above their respective pay as members thereof.

LXXV.

Resolve directing the inhabitants of that part of the county of *Lincoln*, which lies on *Penobscot* river, to shew cause, why *Mount-Desert* and other Islands, should not be set off as a separate county; and the Secretary is directed in this case. *March 24*, 1788.

Whereas the inhabitants of that part of the county of *Lincoln*, which lies on *Penobscot* river, and to the eastward thereof, labour under many inconveniences by reason of their great distance from the places where the Court of Judicature are held; and it will be expedient that the same be set off as a separate county or counties, as soon as the incorporation of a sufficient number of plantations shall have taken place:

Ordered, That the proprietors and settlers of the following townships and plantations, viz. *Mount-Desert*, *Deer-Island*, *Fox-Islands*, *Gouldsborough*, townships No. 1 and No. 2, lying east of *Union-River*; townships No. 7 and No. 6, lying upon *Union-River*; townships No. 5 and No. 4, upon *Blue-Hill Bay*; townships No. 1 and No. 2, both on the east side of *Penobscot* river; township No. 1, or *Kenduskeez*; township No. 1, or *Sowerdabcook*, and the township of *Frankfort*, all on the west of *Penobscot* river, and the township of *Cambden*, on *Penobscot* bay, be, and they are hereby directed to appear, if they see fit, on the second Wednesday of the first sessions of the next General Court, to shew cause, if any they have, why their respective townships should not be incorporated.

And it is further *Ordered*, That the Secretary be, and he is hereby directed to cause the foregoing order to be published three weeks successively in the *Boston Independent Chronicle*, and *Portland* newspapers.

LXXVI.

Resolve empowering the committee on the sale of lands in the counties of *Cumberland* and *Lincoln*, to procure a road from *Penobscot* river, to the river *Scoduck*. *March 24*, 1788.

Whereas a road from *Penobscot* river, to the river *Scoduck*, will expedite the settlement of, and be productive of many advantages to, that tract of country situated between the said rivers:

Resolved, That the committee on the sale of lands, in the counties of *Cumberland* and *Lincoln*, be, and they are hereby empowered and directed to procure a road, to be surveyed and cleared from *Penobscot* river, to the river *Scoduck*, beginning at the township No. 1, on *Penobscot* river, thence running as near as may be, an east course through part of No. 2, No. 6, and No. 7, to the middle of the township No. 8, and through the middle of townships No. 8, No. 9; No. 10, No. 11, No. 12, and No. 13; thence through the township No. 23, to *Machias*; thence through No. 13, No. 10, No. 2, and No. 1, to *Scoduck* river: Provided, however, that where the said road may pass through lands which are private property, the charge of clearing shall be defrayed by the owners of the said lands, and the expence shall not exceed one sixth part of the lands belonging to the Commonwealth in townships through which the road may pass.

LXXVII.

Resolve on the petition of *Timothy Newell*, allowing £.100 in consolidated notes, and suspending the execution for the space of one month. *March 24*, 1788.

On the petition of *Timothy Newell*, praying for an abatement of some part of the taxes committed to him to collect for the years 1781 and 1782, for the reasons set forth in the said petition:

Resolved, That the prayer of the said petition be so far granted, that the petitioner be allowed to pay into the publick Treasury of this Commonwealth, the sum of

one hundred pounds in consolidated notes of the said Commonwealth, and that the execution against him be suspended for the space of one month from the passing of this resolve; and the Treasurer is hereby directed to govern himself accordingly.

LXXVIII.

Resolve for borrowing money to pay the Governour, Council, Senate, House of Representatives, &c. and directing the Treasurer in this case. *March 25, 1788.*

Resolved, That the Treasurer of this Commonwealth be, and he hereby is empowered and directed to borrow on the credit of the first monies which shall be received into the Treasury upon the tax this session voted to be laid, assessed and collected, the sum of *thirteen thousand five hundred and sixty-seven pounds sixteen shillings and four pence*, to be appropriated in the following manner, *viz.* To his Excellency the Governour, *three hundred and ten pounds*; to the members of the Hon. Council, *four hundred and ninety-three pounds seven shillings and eleven pence*; to the members of the Hon. Senate, *seven hundred and seventy-seven pounds and three pence*; to the members of the Hon. House of Representatives, *four thousand six hundred and fifty-three pounds seventeen shillings and ten pence*; to the members of the State Convention, *three thousand and four pounds four shillings*; to the members of the Federal Convention, *five hundred pounds*; to the Judges of the Supreme Judicial Court, *five hundred pounds*; to the Committee of Finance, *sixty pounds*; to the members of Congress *five hundred pounds*; to the Printers to the General Court, *one thousand pounds*; to the Clerks in the Secretary's Office, *four hundred and eighty-seven pounds two shillings*; to the Clerks in the Treasurer's Office, *six hundred pounds*; to the Clerks of the Committee for auditing Accounts, *three hundred and ninety-four pounds two shillings and eight pence*; to the Messenger of the Governour and Council, *one hundred and seventy-eight pounds one shilling and eight pence*; and to the Messenger of the General Court, *one hundred and ten pounds*.

And whereas the Treasurer has borrowed upon the credit of the balance due on the specie part of tax, No. 5, a considerable sum for the use of this Commonwealth: And whereas there is but little prospect of re-funding the same, out of the monies arising from the said tax, it being nearly anticipated by orders.

And whereas the creditors of the Commonwealth, for the said sum, have agreed to wave their security on the specie part of the said tax, upon other funds being appropriated for payment thereof:

Resolved, That the monies borrowed upon the credit of the specie part of the said tax; and also the debt due *Monf. Penet de Costa, and Company, Merchants in France*, amounting to *sixteen thousand, two hundred and eighty-four pounds, thirteen shillings and four pence*, shall be repaid and refunded out of the first monies arising from the tax, voted to be laid this session, after paying and re-imbursing the several sums, which shall be borrowed in pursuance of the above resolution.

And be it further *Resolved*, That after paying off, and refunding the monies which shall be borrowed upon the credit of the aforesaid first mentioned tax, and also the monies which have been borrowed upon the credit of the specie part of the said No 5 tax, that then the next monies arising from the said first mentioned tax, shall be appropriated, as the General Court shall hereafter order; and the Treasurer is directed to govern himself accordingly.

LXXIX.

Resolve on the petition of *Lemuel Coffin, of Newbury-Port*, grant to. *March 25, 1788.*

On the petition of *Lemuel Coffin, of Newbury-Port*.

Whereas it appears to have been certified on the nineteenth of *June, 1780*, that there was then due to the said *Coffin*, the sum of *two thousand and sixty pounds, one shilling and ten pence*, old currency, and a warrant was granted for the same on the same day:

And also whereas on the nineteenth of *July, 1783*, it was certified that there was due to the same *Lemuel Coffin*, the sum of *seven pounds eleven shillings and six pence*, as a balance of pay for his service, as a soldier in the light dragoons, under Lieutenant-Colonel *Washington*; and that a warrant for the same, was issued on the eighteenth day of *August, 1783*, both of which warrants aforesaid, have been lost or mislaid in the Secretary's Office.

Resolved,

Resolved, That his Excellency the Governour, be, and he hereby is requested, by and with advice of Council, to issue another warrant on the Treasurer of this Commonwealth, in favour of the said *Lemuel Coffin*, for the aforesaid sum of *two thousand and sixty pounds one shilling and ten pence*, old currency, in lieu of the warrant first mentioned, and another warrant for the sum of *seven pounds eleven shillings and six pence*, for his pay for service as a soldier in the light dragoons, and that the said warrants shall be in full of the demands of the said *Lemuel Coffin*, for his services aforementioned.

Resolved, That the warrants first drawn for the said sums, be, and they are hereby declared null and void, and the Treasurer is directed to govern himself accordingly.

LXXX.

Resolve on the subject of unappropriated lands in the counties of *Cumberland* and *Lincoln*. *March 26, 1788.*

Resolved, That a Committee be appointed to examine and adjust the accounts of the Committee on the subject of unappropriated lands in the counties of *Cumberland* and *Lincoln*, to the time of the passing of this resolve :

And whereas it is necessary that further powers should be given to the Committee on the subject of unappropriated lands in the counties of *Cumberland* and *Lincoln* :

Resolved, That *John Rea*, Esq. and Doctor *Daniel Cony*, be joined to the said Committee, which Committee, are also hereby appointed a Committee on the subject of the unappropriated lands, belonging to this Commonwealth, in the county of *York*, for the same purposes, and with like powers, as have by the several resolves of the General Court, been assigned to the said Committee for the counties of *Cumberland* and *Lincoln*, and their commission shall extend to each and every of the said counties : And that the said Committee be, and they are hereby directed to compleat a plan or plans, as soon as may be, of all the located lands in the counties aforesaid, agreeable to a resolve of the General Court, of *November* the fifth, 1784, and as far as practicable to mark out the unlocated lands, in the aforesaid counties, into townships or plats of six miles square, as near as may be, and where they shall think it to be for the interest of this Commonwealth, the said six miles square into lots.

Resolved, That there be reserved in each township, four lots of three hundred and twenty acres each, for public uses, *viz.*—One for the first settled Minister ; one for the use of the ministry ; one for the use of Schools, and one for the future appropriation of the General Court ; the said lots to average in goodness and situation with the lands in such township, and to be designated in such way and manner, as the said Committee shall judge proper.

Resolved, That there be, and hereby is appropriated to the building and supporting a Public Seminary of Learning, upon such conditions as the Legislature may hereafter direct, a tract of land six miles square, to be laid out to the northward of *Waldo's-Patent*, and nearly central between the two Rivers *Kennebeck* and *Penobscot*, as good a tract of land for that purpose, as may be found there,—the same to be surveyed under the direction of the said Committee, and report thereof made to the General Court.

Resolved, That any of the lands belonging to this Commonwealth, in the counties aforesaid, may be sold to any foreigner or foreigners, who shall contract to settle thereon, within three years from the purchase, one or more families to each mile square of land ; and any foreigner having resided for the space of two years on such land, may on application to the Legislature, be entitled to an act of naturalization, he producing a certificate from any two Justices of the Peace, of the same county, or from the Selectmen of the town nearest to such land, or from three respectable inhabitants of the same county, that such foreigner has, in their opinion, behaved himself, during that time, as a good member of society, and is a proper candidate for naturalization.

Resolved, That each settler who settled on any lands belonging to this Commonwealth, before the first day of *January*, 1784, and who has not already been confirmed in his settlements, and who shall pay the said Committee, for the use of this Commonwealth, before the first day of *June*, 1789, *five Spanish milled dollars*, shall be intitled to a deed of one hundred acres of land, the same to be surveyed and laid out so as to include his improvements, and be least injurious to the adjoining lands ; such survey to be under the direction of the said Committee and at the expence of such settler.

Resolved, That the Committee aforesaid, or the major part of them, be, and they are hereby authorized and directed, to sell the aforesaid unappropriated lands in any of the said counties, for the consolidated notes of this State, or otherwise in specie, and in such quantities, and on such terms as they shall judge most for the interest of the Commonwealth, any resolve to the contrary notwithstanding. And the said Committee, or the major part of them, are further authorized, to appoint such Agents in the counties aforesaid, as they may judge necessary, to expedite the sale of the said lands; and the said Committee shall be allowed *two per cent.* in the same sort of pay as shall by them be received for lands they may sell as aforesaid, in full compensation for their services in the said business, and that of the agents which they may appoint; the expence of surveying, to be borne by the State, and all the lands the said committee shall sell as aforesaid, shall be exempt from taxes, for the space of ten years.

Resolved, That where a minute description of the quality, and circumstances of any of the said lands cannot be ascertained without a greater expence, than would probably compensate the profits that may arise therefrom, in such case, the said committee may dispose of the same, any resolve to the contrary notwithstanding.

LXXXI.

Resolve on the petition of *William Rogers*, authorizing him to make sale of the real estate mentioned. *March 26, 1788.*

On the petition of *William Rogers*, praying for liberty to sell a certain tract of land mentioned in said petition:

Resolved, That the prayer of the petition be granted, and the said *William Rogers*, be, and he is hereby authorized and empowered to make sale of the real estate mentioned in his said petition, for the most the same will fetch, and make and execute a good and lawful deed or deeds, to the purchaser or purchasers thereof, he first giving sufficient security to the Judge of Probate; for the county of *Hampshire*, to pay one third part of the monies arising from the sale thereof, to his daughter *Silence*, who is already married, and the other two third parts thereof to his son *John*, who is a minor, with the interest arising thereon, when he shall arrive to the age of twenty-one years.

LXXXII.

Resolve on the petition of *Levi Thayer*, declaring null and void a certain judgment and any execution issued, and giving him liberty to enter his action at the next Court of Common Pleas, for the county of *Worcester*. *March 26, 1788.*

On the petition of *Levi Thayer*, praying that a judgement recovered against him, by *David Thayer*, at a Court of Common Pleas held at *Worcester*, on the last Tuesday of *March*, one thousand seven hundred and eighty-six, may be set aside, for reasons mentioned in the said petition.

Resolved, That the prayer of the said petition be granted, and that the said judgment and any execution issued thereon, and all proceedings on any such execution be, and hereby are declared and made null and void, and that the said *David Thayer*, may enter his action on which the said judgment was founded, at the next Court of Common Pleas for the said county of *Worcester*, and that any attachment made on the said action be held good and valid, and that the same proceedings shall be had thereon, as though the said action had been regularly continued in the said Court to the said next term.

LXXXIII.

Resolve directing the Treasurer not to issue any paper security on tax No. 6, passed this Session. *March 27, 1788.*

Whereas by a resolve passed the General Court, the twenty-first instant, the Treasurer of this Commonwealth is directed to borrow on the credit of the tax granted the present Session, the sum of *thirteen thousand five hundred and sixty-seven pounds sixteen shillings and four pence*; and whereas it is of the utmost importance, that no order, certificate, due-bill, or any other paper security, should be given by, or in the name of the Treasurer, on account of the said tax, whereby unrighteous advantages may be taken of necessitous and ignorant persons.

Resolved,

Resolved, That the Treasurer of this Commonwealth, be, and he hereby is directed, not to give out, or permit to be given out of the Treasury office, on account of the said tax, any order, certificate, due-bill, or other paper security, except for specie really paid, on account of the said tax, either on loan or on collection thereof.

And it is further *Resolved*, That any and every order, certificate, due-bill or other paper security, issued from the Treasury, on account of the said tax, other than for specie, actually paid in as aforesaid, shall be null and void.

LXXXIV.

Resolve on the petition of *John Allan*, confirming a township No. twelve, so called, in the bay of *Passamaquoddy*, on certain conditions. *March 27, 1788.*

On the petition of *John Allan*, Esq.

Resolved, for reasons set forth in the said petition, that township No. twelve, so called, in the bay of *Passamaquoddy*, be, and is hereby granted and confirmed unto the said *John Allan*, his heirs and assigns forever, upon the following conditions, that the said *John Allan*, lay out and appropriate unto *Lewis Frederick Delesdernier*, one thousand acres, *James Avery*, *William Alby* and *John Preble*, five hundred acres each, *Elijah Ayer*, two hundred acres, *Josiah Flagg*, *Samuel Runnells* and *Gideon Delesdernier*, one hundred and fifty acres each, *Josiah Delleway*, Doctor *Edwards*, *Davis Bryan*, *Bartholemy Bryan*, *John Bryan*, *Jonathan Nyles*, *Josiah Libby* and *Thomas Harvey*, one hundred acres each: Also the said *Allan*, to pay the sum of *three hundred pounds*, on or before the first day of *March*, which will be in the year of our Lord one thousand seven hundred and ninety-five, and that the Committee for the sale of the eastern lands, deliver a deed accordingly, saving always, that any quantity of the aforesaid lands, not exceeding six thousand acres, be reserved for those persons that may be already settled on the same, they paying severally their parts of the sum of *three hundred pounds* aforesaid, in proportion as they shall receive of the six thousand acres aforesaid, saving also, there shall be reserved four hundred acres, for the use of the Ministry, to be laid out near the centre, and four hundred acres for the support of a School, in the said town.

LXXXV.

Resolve on the petition of *Charles Goodrich*, Esq. appointing a Committee of the General Court, to examine the conditions of the grant mentioned. *March 27, 1788.*

On the petition of *Charles Goodrich*, Esq. setting forth, that by the line lately established between this Commonwealth, and the State of *New-York*, he has lost a considerable quantity of land, formerly granted to him, and others, under whom he claims, by the late province of *Massachusetts-Bay*, and praying for compensation therefor.

Whereas it appears that some of the lands granted to the petitioner, by the late province of *Massachusetts-Bay*, was granted on certain conditions, in case the government line should interfere: Therefore

Resolved, That *Thompson* & *Skinner*, Esq. *Elijah Williams*, Esq. and Mr. *Henry Badger*, be a Committee to examine the conditions of the said grants, view the premises, and report to the General Court, on the third Wednesday of their next Sessions, what sum they shall judge reasonable to be allowed to *Charles Goodrich*, Esq. for the loss he has sustained by the establishment of the line aforesaid; the said *Goodrich* paying the charges of the said Committee.

LXXXVI.

Resolve on the memorial of *John Fessenden*, in behalf of *Isaac Thompson*, a Collector from *Princeton*, grant to. *March 27, 1788.*

On the memorial of *John Fessenden*, in behalf of *Isaac Thompson*, a Collector for *Princeton*, in the county of *Worcester*.

Resolved, That there be allowed and paid out of the public Treasury of this Commonwealth, unto the said *Isaac Thompson*, the sum of six pounds three shillings and two pence, the same being for taxes, on the estates of *Timothy Ruggles*, and *Elisha Jones*, Esquires, absentees, which could not be collected.

LXXXVII.

Resolve on the petition of *John Murray*, indemnifying him from all penalties incurred on account of his having solemnized any marriages. *March 27, 1788.*

Whereas *John Murray*, and others, have represented to this Court, that the said *Murray*, esteeming himself legally qualified, had solemnized certain marriages, and that by a decision had in the Supreme Judicial Court, it was determined that the said *Murray* had no such authority, praying that he may be indemnified :

Resolved, That the said *John Murray*, be, and he hereby is indemnified from all the pains and penalties which he may have incurred, on account of having solemnized any marriages as aforesaid, for which there has not been any prosecution commenced or had. And the said *Murray* may upon trial, for any of the offences aforesaid, give this resolution in evidence upon the general issue, which shall have the same operation as if specially pleaded.

LXXXVIII.

Resolve on the petition of *Benjamin Peabody*. *March 27, 1788.*

Upon the petition of *Benjamin Peabody*, administrator of the estates of *Elijab Wilkins*, and *Mary Wilkins* :

Resolved, That the said *Benjamin*, be, and he is hereby fully authorized and empowered to sell at public vendue, all the real estates of the said *Elijab Wilkins*, and *Mary Wilkins*, and good and sufficient deeds thereof, to make and execute, he the said *Benjamin* complying in other respects with the laws, relating to the sale of real estates by administrators, and giving bond previous to such sale, with sureties, to the Judge of Probate, of *Essex* county, for the faithful discharge of his trust, and to be accountable to the said Judge of Probate, for the proceeds thereof according to law.

LXXXIX.

Resolve directing the Treasurer to receive of the Collectors of taxes the sums due from them in discharge of any tax, without obliging them to take an oath. *March 27, 1788.*

Whereas unnecessary embarrassments arise, from the nature of the oaths which the Collectors of taxes are obliged to take :

Therefore *Resolved*, That the Treasurer of this Commonwealth, and the Sheriffs of the several counties, be, and they are hereby ordered and directed to receive of the Collectors of taxes, the sums respectively due from them in discharge of any tax now laid and assessed upon the citizens of this Commonwealth, without obliging them to take any oath or oaths heretofore administered, any law or resolution to the contrary notwithstanding.

XC.

Resolve establishing the pay of the Delegates, who attended the late Convention, at *Philadelphia*. *March 28, 1788.*

Whereas it appears to this Court, that the Delegates from this State, who have lately attended the Convention at *Philadelphia*, for the purpose of revising the federal Constitution, of these United States, have been exposed to uncommon expences, from the peculiar nature of that service.

It is therefore *Resolved*, That the sum of *thirty shillings* a day, be paid from the Treasury of this Commonwealth, to each of those gentlemen, who have been engaged in this business.

XCI.

Resolve directing the Delegates in Congress, to procure a copy of the plan of the late Commissioners, appointed to run the line between this Commonwealth and the State of *New-York*, east of *Hudson's* River, and to forward the same, to the Secretary's office, and allowing them pay for any expence they shall be at. *March 28, 1788.*

Resolved, That the Delegates representing this State in Congress, be, and hereby are directed

directed, to procure a copy of the plan, agreeably to the field book of the late Commissioners, appointed to run the line between this Commonwealth, and the State of *New-York*, east of *Hudson's River*, and that they forward the same; to the Secretary of this State, and that the said copy be filed in his office; and that the copy of the said Commissioners report, and the entry upon the journals of Congress, respecting the same, be also filed in the said office.

And it is further *Resolved*, That there be allowed and paid out of the publick Treasury of this Commonwealth, to the Delegates representing this State in Congress, upon their application for the same, such sum or sums of money as may be necessary for procuring the said plan, and his Excellency the Governour, with advice of the Council, is hereby requested to issue his warrant on the Treasurer accordingly:

XCII.

Resolve on the Governour's message of the 17th of *March*, instant, requesting the Governour to appoint some suitable person, to repair to *Penobscot river*, upon the return of the *Indians*, and instructing the commissioner that shall be appointed. *March 28, 1788.*

Whereas the General Court at their sessions, in *July 1786*, appointed Commissioners, to "treat with the *Penobscot* tribe of *Indians*, respecting their claims to land on *Penobscot river*." The Commissioners attended the service assigned them; met the *Indians*, and came to a solemn agreement with them, respecting the lands aforesaid, reported their doings to his Excellency the Governour, which were approved by the General Court, and a Commissioner was appointed to carry into execution, the treaty on the part of this Commonwealth, when he arrived in *Penobscot river*, with the articles to be delivered to the *Indians*, they were on their fall hunt, and were not likely to return, till the beginning of the winter, this prevented his completing the business, and made it necessary for him to store the goods and leave instructions for the delivery of them, upon the return of the tribe, and take their quit claim, according to the tenor of the agreement, for reasons unknown to the State, the goods have not been received nor the quit claim given.

And whereas it appears, that the said tribe of *Indians*, are greatly dissatisfied from the loss of one of their men, said to have been murdered by one of the white inhabitants, who had been on a hunt with some of them; and that the supposed criminal had not been punished; and it being of importance to this Commonwealth, and to the peace and happiness of our new settlements, that the *Indians* be convinced that they may at all times, depend upon the most perfect justice from this State:

Resolved, That his Excellency the Governour, with the advice of Council, be, and hereby is requested to appoint some suitable person, to repair to *Penobscot river*, upon the return of the *Indians* from their spring hunt, and take into his possession the blankets, and the several articles of public property, designed for the *Indians*, now in the hands of Mr. *John Lee*, of township No. 3, on that river, and proceed with them, to some place where it shall be most convenient to meet the *Indians*, and for them to receive the goods, state to them the agreement made with them by the Commissioners, tender to them the articles promised by government, and urge a compliance with the terms of agreement on their part.

Resolved, That the Commissioner, which may be appointed as aforesaid, be instructed to assure the said tribe of the friendly disposition of this Commonwealth, towards them, that they are considered as our brethren, that we are made exceedingly unhappy, by the melancholy event which took place the last spring; that the State will give every assistance in its power, to bring the criminals to justice: That we will aid the tribe in their prosecution, and that we will find them provisions, and some proper person to attend them with provisions, and every thing necessary, to enable the relations of the deceased, to attend the trial, at the next Supreme Court, to be holden in *Pownalborough*.

Whereas great complaints have been made; by the *Penobscot* tribe of *Indians*, as will appear by the Commissioners' report, *September 1786*, that they have been defrauded by a person residing among them, as their Priest: And whereas it is of importance, to attend to all the just complaints of the said tribe:

Be it *Resolved*, That the Commissioner, which may be appointed as aforesaid, be instructed to enquire into the nature and grounds of the complaint, and if thereon he shall find it supported, to take such legal measures respecting it, as shall in the most certain and speedy way, do justice to the complaints.

Resolved, That his Excellency the Governour, with the advice of Council, issue a warrant, on the Treasurer, in favour of the Commissioner, he to be accountable for the expenditure of the same, the sum of not more than *fifty pounds*, to enable him to execute his commission, and to support the Indians, in bringing forward their process, against the supposed delinquents.

XCIII.

Resolve directing the Treasurer, to draw orders in favour of the members and others.
March 28, 1788.

Whereas it appears, that many members of this Court, did not receive orders on Collectors for their pay, agreeably to a Resolve of *July 6, 1787*.

Resolved, That the Treasurer of this Commonwealth, be, and is hereby directed to pay in orders, on the specie part of the tax, granted in the year one thousand seven hundred and eighty-six, such members of this General Court, as may chuse to receive the same, for their travel and attendance the last *May* session, any law or resolve to the contrary notwithstanding.

And be it further *Resolved*, That if any member of this Court, shall chuse to receive orders as aforesaid, for his pay and travel, the last and present session, the Treasurer be, and he is hereby directed to draw them accordingly.

And whereas by a resolve, of this present session, the Treasurer is directed to borrow *thirteen thousand five hundred and sixty-seven pounds sixteen shillings and four pence*, for the paying off arrearages to the present General Court, and other purposes :

Resolved, That this Court's proportion of any monies, which may be so borrowed, be equally apportioned to the payment of the members of the Court, for their travel and attendance, the last and present session.

And it is further *Resolved*, That if any member of the late Convention of this Commonwealth, shall chuse to receive orders as aforesaid, the Treasurer be, and is hereby authorized and directed to draw them accordingly.

And whereas an appropriation was made, to discharge the respective rolls of the officers and soldiers of the late army, employed in the service of this Commonwealth, and the Quarter-Master and Commissary's department, out of the specie part of tax No. 5, which appears to be insufficient for that purpose : Therefore

Resolved, That the Treasurer be, and he hereby is directed, to issue orders on any Collectors of the tax, granted in *March 1786*, who may not have settled their collections with the Treasurer, in favour of such officers and soldiers, whose rolls have not been discharged, out of the former appropriation, and to such persons as have demands on the Quarter-Master and Commissary's department, any law or resolve to the contrary notwithstanding.

XCIV.

Resolve on the petition of *Benjamin Joslyn*, directing the Treasurer to stay any further execution against the town of *New-Braintree*. *March 28, 1788.*

On the petition of *Benjamin Joslyn*, in behalf of the town of *New-Braintree*, praying that further execution on the tax of the said town, for the year 1783, may be stayed.

Resolved, for reasons set forth in the petition, that the Treasurer be, and he is hereby directed, to stay any further execution, against the said town, for the tax of the year 1783, for the space of six months.

XCV.

Resolve on the petition of *Caleb Hyde*, Esq. abating the town of *Lenox*, a certain sum.
March 28, 1788.

On the petition of *Caleb Hyde*, Esq. praying for the abatement of a fine, laid on the town of *Lenox*, for the deficiency of one man, required by a resolve of the second of *December* 1780.: For reasons set forth in the said petition,

Resolved, That there be abated to the town of *Lenox*, the sum of fifty pounds, out of the sum which is assessed on the said town, for a deficiency of one three years man, required by a resolution of the General Court, passed the second of *December* 1780; and the Treasurer is hereby directed to govern himself accordingly.

XCVI.

Resolve appointing the Committee for auditing public accounts, to examine the accounts of the Committee on eastern lands: *March* 28, 1788.

Resolved, That the Committee for auditing of public accounts, be a Committee for examining and adjusting the accounts of the Committee on the subject of unappropriated lands, to the 26th instant, not before adjusted.

XCVII.

Resolve on the petition of *Fisher Ames*, Esq. *March* 28, 1788.

On the petition of *Fisher Ames*, Esq. in behalf of *Hannah Metcalf*, praying that the benefits of a resolve of this Court, passed the fifth day of *November* last, may be extended to her, for reasons mentioned in the said petition,

Resolved, That the prayer of the petition be granted, and that the judgment mentioned therein, which was rendered by the Court of Common Pleas, holden at *Boston*, within and for the county of *Suffolk*, on the first Tuesday of *July* last, in favour of one *Giles Goddard*, be, and the same is hereby annulled and reversed; and the writ of *habere facias possessionem*, which issued thereon, and all proceedings in pursuance thereof, are hereby rendered null and void; and the Clerk of the said Court of Common Pleas is hereby directed to carry forward the said action, for the next *July* term, of the said Court, in the same manner, as if the action had been regularly continued from the first Tuesday of *January* last, and had not then been dismissed: And the said *Hannah Metcalf*, shall be admitted a party to take upon her, with the said *Ebenezer Goddard*, the defence of the said suit, and thereupon the same proceedings shall be had, except as is herein after resolved: And said Court of Common Pleas, and the Supreme Judicial Court, in case the same shall be carried there, shall have cognizance thereof in like manner as if the same cause had not been defaulted and dismissed, as mentioned in the said petition, and the said *Hannah* had been an original defendant with the said *Ebenezer Goddard*.

And whereas the said *Giles Goddard* hath taken possession of the premises as aforesaid, and it was the true intent of the said resolve of the fifth day of *November* last, upon the said *Hannah Metcalf's* petition, that she should be restored to her possession of the premises, in case the said *Giles Goddard*, should fail in his action aforesaid:

Therefore be it *Resolved*, That in case the said *Giles Goddard*, shall not prosecute his said action, or shall not prevail therein, the said Court of Common Pleas, and the Supreme Judicial Court, where the said cause may be carried, are hereby respectively required and directed, to render judgment in favour of the said defendants, for their possession and costs of suit, and to award the writ of *habere facias possessionem* accordingly, in like manner, as if the said *Hannah Metcalf* and *Ebenezer Goddard* had demanded the same by the writ aforesaid, provided the said *Hannah Metcalf*, serve the clerk of the said Court of Common Pleas, and the said *Giles Goddard*, respectively, with an attested copy of this resolve, fourteen days at least, before the first Tuesday of *July* next.

XCVIII.

Resolve on the petition of *John Jenks*, declaring null and void a judgment recovered against him upon condition. *March* 28, 1788.

On the petition of *John Jenks*, praying for the releasing of a cause in which judgment was recovered against him by default, at the Supreme Judicial Court, holden at *Great-Barrington*, within and for the county of *Berkshire*, on the third Tuesday of *March* last, in favour of *Samuel Miller*, of *Adams*, in the said county of *Berkshire*.

Resolved,

Resolved, for reasons set forth in his said petition, that the aforefaid judgment, and the execution thereon, be, and hereby is declared null and void, upon this condition, that if the said *John Jenks*, shall enter the said action at the Supreme Judicial Court, next to be holden at *Lenox*, within and for the county of *Berkshire*, on the first Tuesday of *October* next, and notify the said *Samuel Miller*, by serving him with an attested copy of this resolve, twenty days at the least, before the sitting of the said Court; then, and in that case, the same proceedings shall be had in the said action, as if the same had been brought to said Court, by appeal from the Court of Common Pleas.

XCIX.

Resolve on the petition of the Selectmen of the town of *Dartmouth*, allowing the Sheriff of the county of *Bristol*, to return the executions in his hands against *Christopher Almy*, Collector, in part satisfied. *March 28, 1788.*

On the petition of the Selectmen of the town of *Dartmouth*:

Resolved, for reasons set forth in the said petition, that the Sheriff of the county of *Bristol*, be allowed to return the executions in his hands against *Christopher Almy*, Collector for the town of *Dartmouth*, in part satisfied; any resolution to the contrary notwithstanding; and the Treasurer of this Commonwealth, is hereby directed, not to issue alias executions against the said *Christopher Almy*, until the last day of *May* next.

C.

Resolve directing the Treasurer to discharge warrants drawn in favour of persons whose accounts have been examined and allowed by the General Court, out of the tax, No. 5. *March 28, 1788.*

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed, to discharge the warrants which are, or may be drawn in favour of persons whose accounts have been or may be examined by the Committee on accounts, and allowed by the General Court, out of the specie part of the tax granted in *March*, one thousand seven hundred and eighty-six.

CI.

Resolve on the petition of the Committees of the towns of *Dorchester, Stoughton* and *Sharon*. *March 28, 1788.*

On the petition of the Committees of the towns of *Dorchester, Stoughton* and *Sharon*:
Resolved, for reasons set forth in the said petition, that the said towns of *Dorchester, Stoughton* and *Sharon*, be, and they hereby are empowered, to sell for the most the same well fetch, a certain tract of land lying in *Dedham*, known by the name of *Dorchester School-Farm*, or any part or parcel thereof; to divide the proceeds thereof, between the said towns according to their respective proportions, and are hereby directed, to lodge the proceeds or bonds so divided, with the Treasurers of the said towns, the annual interest whereof shall be applied by the Selectmen of the said towns to the support of schools, agreeably to the original intentions and designs of the grantees of the said land.

CII.

Resolve granting a bounty upon hemp, and other articles raised, &c. within this State
March 28, 1788.

Whereas it is necessary to give some further encouragement to the growth of hemp within this Commonwealth:

Be it therefore *Resolved*, That there be granted and paid out of the public Treasury of this Commonwealth, a bounty of *six shillings*, in addition to the bounty already granted, for every gross hundred weight of good merchantable hemp, that shall be raised and manufactured, or sold for the purpose of being manufactured within this Commonwealth, by any citizen of the same, from the first of *April* next, under the same provisions and restrictions, as contained in a resolve passed the eighth of *November, 1786*, granting a bounty on hemp, raised in this Commonwealth, and the Surveyor of hemp, or rope-maker, shall ascertain and certify the weight thereof.

And

And whereas there are large sums of specie annually exported for the purchase of foreign duck, sail-cloth and twine, imported into this Commonwealth; and whereas it will be for the public benefit, that the said articles should be manufactured within this Commonwealth:

Be it further *Resolved*, That there be granted and paid out of the public Treasury, a bounty of *eight shillings*, for every piece of top-sail duck, and other stouter sail-cloth, manufactured within this Commonwealth, being thirty-eight yards in length, and twenty-eight inches in breadth, and that the Commiffary-General, be, and he hereby is appointed an agent, who is authorized to appoint one or more agents under him, to inspect the same, who, on application of any manufacturer of the said duck or sail-cloth, within this Commonwealth, attended with a certificate from the Selectmen of the town where the said manufacturer resides, of his being *bona fide* the manufacturer of the said duck or sail cloth, or that the same was manufactured by some person or persons acting for, or under him, shall proceed to inspect the same, and if found good and merchantable as aforesaid, shall give a certificate thereof, to the person applying as aforesaid, which certificate shall intitle the person presenting it, to the bounty abovementioned.

Be it further *Resolved*, That there be granted, and paid out of the Treasury of this Commonwealth, a bounty of *eight shillings*, for each and every hundred weight of twine, which shall be manufactured within this Commonwealth, under the same provisions and restrictions as are contained in the foregoing resolution.

CIII.

Resolve on the petition of *Jonathan Hale*, in behalf of the town of *Framingham*, directing the Treasurer to endorse upon the note mentioned, *L. 170.* *March 28, 1788.*

Upon the petition of *Jonathan Hale*, in behalf of the inhabitants of the town of *Framingham*,

Resolved, That the prayer of the petition, be so far granted, that the Treasurer of the Commonwealth, be directed to endorse upon the note mentioned in the said petition, in possession of the said town abovementioned, the sum of *one hundred and seventy pounds*, the inhabitants of the said town agreeing to allow the further sum of *forty-two pounds ten shillings*, being an allowance for interest upon the said sum of *one hundred and seventy pounds*.

CIV.

Resolve for adjourning the Supreme Judicial Court, in *Middlesex.* *March 28, 1788.*

Whereas the second Tuesday of *April*, the time by law assigned for holding the Supreme Judicial Court, at *Concord*, within and for the county of *Middlesex*, happens near a week earlier this year than usual; and it will probably be more convenient for all persons having business at the same Court, that it should be held at a later period.

Be it therefore *Resolved*, That the Supreme Judicial Court, which is by law directed to be holden at *Concord*, within and for the county of *Middlesex*, on the second Tuesday of *April* next, be, and hereby is adjourned and shall be held at *Concord*, within and for the county of *Middlesex*; on the second Monday, the fourteenth day of the same month of *April* next: And all suits, processes, recognizances, matters and things whatsoever, pending at, returnable unto, or having day in the Supreme Judicial Court by law to be holden at *Concord*, in the county of *Middlesex*, on the second Tuesday of *April* next, shall have day, be returnable unto, and be proceeded upon in the same Supreme Judicial Court herein directed to be held at said *Concord*; in the same county of *Middlesex*, on the second Monday, being the fourteenth day of *April* next, as fully and effectually to every intent and purpose whatever, as they might have been on the said second Tuesday of *April*; in case this resolution had never been made; of which jurors, suitors, witnesses, and all other persons interested or concerned, are directed to take notice and govern themselves accordingly.

CV.

Resolve on the petition of *Francis Le Gros*. March 29, 1788.

On the petition of *Francis Le Gros*, setting forth that the balance of wages that was due to him for his services as a soldier, in Col. *Marshall's* regiment, from the year 1776 to 1784, amounted to *ninety-three pounds fifteen shillings and eight pence*, specie, and was drawn by a person fraudulently in his name, and without his order or consent, as appears by the oath of the said *Francis Le Gros*, and other concurring evidence :

Resolved, That the Treasurer be, and he hereby is directed to issue a note or notes to the said *Francis Le Gros*, to the amount of the wages due to him as aforesaid, in the manner prescribed by law.

CVI.

Resolve on the petition of the Selectmen of the town of *Adams*, allowing them further time for the Collectors to discharge the arrears due from them on certain taxes. March 29, 1788.

On the petition of the Selectmen of the town of *Adams*, praying that a further time may be allowed *Oliver Parker*, a defective Collector of taxes, in said town, to discharge the arrears of taxes committed to him to collect :

Resolved, for reasons set forth in the said petition, that the further time of nine months from the passing this resolution, be allowed the said town of *Adams*, and the said *Oliver Parker*, Collector for the same, to discharge the arrears due from them, on the tax granted in *October*, 1781, and on tax number four. And the Treasurer of this Commonwealth, and the Sheriff of the county of *Berkshire*, are directed to govern themselves accordingly.

CVII.

Resolve on the petition of *James Perry*, of *Easton*, to notify the adverse party to shew cause. March 29, 1788.

On the petition of *James Perry*, of *Easton*, in the county *Bristol*, praying for a rehearing in an action brought against him by *Samuel Morey*, of *Norton*, at a Court of Common Pleas, holden at *Taunton*, within and for the county aforesaid, on the second Tuesday of *March*, 1788, for reasons set forth in his petition :

Resolved, That the said *James Perry*, notify the said *Samuel Morey*, by serving him with an attested copy of his petition, and this resolve thereon, fifteen days at least before the third Wednesday of the next sessions of the General Court, that he may then shew cause, if any he has, why the prayer of the said petition should not be granted, and that execution be stayed in the mean time.

CVIII.

Roll No. 11. March 29, 1788.

The committee on accounts have examined and passed upon the accounts now presented, and find that the sums reported, and set against the towns and persons hereafter named, are due to them ; and if allowed, will be in full discharge of the accounts exhibited.

Joseph Hofmer, per order.

To the town of *Milton*, on account of an Indian woman, *Abigail Hill*, in *March*, 1782, and the month of *April* following, to the 17th, who was sick ; which account was allowed by a former committee, and an order upon the Treasurer given, but not answered,

£.10 3 0

To *William Harris*, for engrossing the federal Constitution and amendments of the late Convention, on parchment, and out of office hours, as certified by the Secretary of the Convention,

0 12 0

To the Hon. *Seth Washburn*,

1 15 0

To *David Harwood*,

1 8 0

To *Thomas M Baker*,

1 8 0

A committee appointed by the General Court, in *October*, 1787, to repair to the town of *Grafton*, and to settle with the trustees and Indians ; for their services,

T 0

To the town of <i>Marlborough</i> , for supplies to <i>Ephraim Breed's</i> family, the poor of the town of <i>Charlestown</i> , from <i>October 1, 1786</i> , to <i>October 1, 1787</i> .	£. 2	1	4
To the town of <i>Holiston</i> , for supporting <i>Wilson Chamberlaine</i> , one of the poor of <i>Charlestown</i> , from the 1st of <i>November 1787</i> , to the 1st of <i>November, 1788</i> ,	17	13	0
To <i>Thomas Gates</i> , of <i>Stow</i> , for boarding <i>Mary Bird</i> , one of the <i>Charlestown</i> poor, from <i>December 10, 1786</i> , to <i>January 7, 1788</i> ,	4	19	4
To the town of <i>Medfield</i> , on account of <i>George Turner</i> , and wife, and four children, to the 1st of <i>March 1786</i> , and allowed by a former committee, and an order upon the <i>Treasurer</i> , but not answered, the poor of the <i>Commonwealth</i> ,	43	9	6
To the same town, for the same family, from the 1st of <i>March 1786</i> , to the 1st of <i>March 1787</i> , for supplies,	6	17	6
To the town of <i>Reading</i> , for supplies afforded <i>Joseph Perwoo</i> , one of the <i>State's</i> poor, from 2d of <i>April, 1787</i> , to the 3d of <i>March, 1788</i> ,	8	6	6
To the same town, for boarding or supplying the following persons the poor of <i>Charlestown</i> , from <i>January 1, 1787</i> , to <i>January 3, 1788</i> , viz. <i>Elizabeth Pierce</i> , 7l. 16s. <i>Elizabeth Orr</i> , 2l. and <i>Mary Kella</i> , 16l. 8s.	20	4	0
To the town of <i>Concord</i> , for supporting three children of <i>William Barron</i> , a foreigner, and one of the <i>State's</i> poor, from the 17th of <i>January 1787</i> , to the 17th of <i>January, 1788</i> ,	23	8	0
To <i>David Poor</i> , for his services in 1787, and expences, by order of <i>General Warner</i> ,	2	9	6
To the town of <i>Windfor</i> , for services, and expences, in <i>November 1787</i> , in the publick service, in transporting men and provision,	3	12	0
To <i>Thomas B. Wait</i> , for printing by order of government, to <i>Feb. 12, 1788</i> ,	33	12	8
To the town of <i>Chesterfield</i> , for supporting a pauper of the <i>Commonwealth</i> in 1784, which account has been before the <i>House</i> and passed, but not answered,	10	0	0
To <i>William Warner</i> , for a horse, and expences in the publick service, in <i>February, 1787</i> , and certified by <i>General Warner</i> ,	2	3	6
To <i>William Titcomb</i> , for his services as <i>Aid</i> to <i>General Titcomb</i> , in 1786 and 1787, and certified by the <i>General</i> ,	12	8	6
To the town of <i>Billerica</i> , for supporting <i>Elizabeth Lamson</i> , one of the poor of <i>Charlestown</i> , from the 16th of <i>November 1787</i> , to the 16th of <i>February, 1788</i> ,	5	4	0
To <i>Dr. Charles Whitman</i> , of <i>Stow</i> , for his bill on account of the wife of <i>Ephraim Breed</i> , of <i>Charlestown</i> , one of the <i>Charlestown</i> poor, in <i>May 1784</i> ,	1	2	10
To the town of <i>Lexington</i> , for boarding and nursing <i>Sarah Fowle</i> , one of the poor of <i>Charlestown</i> , and to be paid to <i>Jonathan Smith</i> , from <i>October 1, 1787</i> , to <i>January 1, 1788</i> ,	5	17	8
To <i>Samuel Lawrence</i> , for boarding and nursing <i>William Martin</i> , one of the <i>State's</i> from <i>November 29</i> , to <i>December 12, 1785</i> , by order of the <i>Selectmen</i> of <i>Groton</i> ,	1	6	0
To <i>John Greenleaf</i> , an <i>Aid</i> to <i>General Titcomb</i> , for services by his order, in <i>October 1786</i> , and until <i>January 1787</i> , such as carrying expresses,	5	10	0
To <i>Carpenter Greenwood</i> , in <i>February 1787</i> , for the same services and expences by order,	1	11	6
To <i>Elizabeth Johnson</i> , for boarding herself, <i>Anna Rand</i> , and <i>Elizabeth Whittemore</i> , all of them <i>Charlestown</i> poor, from <i>October 21, 1787</i> , to <i>March 9, 1788</i> .	19	0	0
To <i>Daniel Robbins</i> , for boarding <i>Sally Davis</i> , one of the <i>State's</i> poor, from the date of the last allowance, to the 5th of <i>July, 1785</i> , and board from that time, to the 11th of <i>February 1788</i> 12l. 6s. to the said <i>Daniel Robbins</i> , and 21l. 12s. to <i>Samuel Copp</i> , these being two accounts, and one in favour of each person,	33	18	0
To <i>John Elliot</i> , of <i>East-Hampton</i> , for boarding <i>Rebecca Gardner</i> , one of the <i>State's</i> poor, from the 27th of <i>April, 1787</i> , to the 16th of <i>February 1788</i> .	15	15	0

To <i>William Howard</i> , for carrying exprestes for General <i>Titcomb</i> , in <i>February 1787</i> .	£. 1 11 6
To <i>John Austin</i> , keeper of the Magazine at <i>Cambridge</i> , from the 1st of <i>July 1785</i> , to the 29th of <i>February 1788</i> , for his services; properly certified,	32 0 0
To the town of <i>Mendon</i> , for boarding <i>James Thompson</i> , one the State's poor, from the 1st of <i>March</i> to the 1st of <i>September 1787</i> ,	12 7 8
To the town of <i>Westborough</i> , for boarding <i>John Schudemore</i> , another of the State's poor, from the 1st of <i>April</i> to the 1st of <i>October 1787</i> ,	6 10 0
To the same town, on account of the same person, from the 1st of <i>October 1787</i> , to the 1st of <i>January 1788</i> ,	5 0 7
To <i>Jonathan Harris</i> , for articles furnished the board of war in 1780, and certified by Messrs <i>Deming</i> and <i>Boyer</i> , to be due to him and committed to the Committee on accounts by both Houses in the present Session,	66 6 9
To <i>Edmund Bridge</i> , Esq. Sheriff in the county of <i>Lincoln</i> , for a short allowance in his account that was passed <i>November last</i> ,	5 13 4
To the town of <i>Dracutt</i> , for board, nursing, Doctor's bill, &c. on account of <i>John Hancock</i> and his wife, State's poor, from <i>June 25th 1787</i> , to <i>March 5th 1788</i> ,	39 4 10
To the town of <i>Hopkington</i> , for boarding <i>Paience Bondily</i> from the 15th of <i>May 1786</i> , to the 8th of <i>November 1787</i> , one of the State's poor,	9 5 0
To <i>Elizabeth Leman</i> , one of the <i>Charlestown</i> poor for her board, from the 14th of <i>November 1787</i> , to the 13th of <i>March 1788</i> ,	4 5 0
To <i>Samuel Woodbyry</i> , for carrying out of the State, by order, in <i>January last</i> , <i>Alice Cary</i> , and her daughter, State's poor, including sleigh and expences,	1 10 0
To Deacon <i>John Sippkins</i> , for two ruggs delivered Mr. <i>Otis</i> , goaler, for the use of State's prisoners, <i>December 4th 1786</i> ,	3 0 0
To <i>John Austin</i> , for board for himself and wife, <i>Charlestown</i> poor, from <i>October 24th 1787</i> , to <i>March 24, 1788</i> ,	10 15 0
To <i>Isaiah Thomas</i> , for printing by order, from <i>December 14th, 1786</i> , to the 11th of <i>April, 1787</i> ,	41 11 0
To Doctor <i>James Hawes</i> , for visits and medicines, on account of the wife of <i>Robert Scott</i> , one of the poor of <i>Charlestown</i> , from <i>January, 1786</i> , to <i>December 26th, 1787</i> ,	1 7 8
To Doctor <i>Oliver Prescott</i> , for attendance and medicines, on account of <i>John Drummond</i> , one of the State's poor, in <i>March and April, 1783</i> ,	0 13 4
To <i>Elizabeth Osborne</i> , one of the <i>Charlestown</i> poor, for board, from <i>March 13th, 1787</i> , 13 weeks,	7 13 0
To <i>Daniel Munn</i> , for boarding one <i>Phillips</i> , a wounded man, in <i>January and February 1787</i> , properly certified,	3 16 0
To the town of <i>Pepperrell</i> , for supporting <i>George Marston's</i> family, States poor, and for removing them out of the State, from <i>June 1787</i> , to <i>March 1788</i> , which matters are sufficiently certified,	58 10 0
To the town of <i>Hardwick</i> , for supporting <i>Mary Bradshaw</i> , one of the State's poor, from <i>December, 1785</i> , to <i>January 8th, 1788</i> , and charge of removal out of the State,	17 4 2
To <i>James Kittle</i> , for boarding <i>Sarah Call</i> , one of the poor of <i>Charlestown</i> , from <i>June 27th, 1787</i> , to <i>March 16th, 1788</i> , with some supplies,	12 0 8
To <i>Rufus Trask</i> , for services, by order of government in <i>December, 1787</i> , to wit, carrying the new form of government to several towns,	1 3 6
To <i>Daniel White</i> , for the same services, and about the same time,	1 0 8
To Col. <i>John Tyler</i> , Deputy-Adjutant-General, in the county of <i>Suffolk</i> , for services certified by the Major-General, in <i>February and March last</i> ,	25 4 0

To <i>Catherine Kettle</i> , for boarding the <i>Widow Souther</i> , one of the poor of <i>Charlestown</i> , from the 1st of <i>October, 1787</i> , to the 17th of <i>March, 1788</i> ;	£. 7 4 0
To <i>John Carter</i> , for boarding <i>Mebetable Carter</i> , another of the <i>Charlestown</i> poor, from the 1st of <i>January, 1787</i> , to the 1st of <i>January, 1788</i> ;	13 0 0
To the Selectmen of <i>Charlestown</i> , for supporting the poor of the town, agreeable to the order of the General Court, from <i>October 1st, 1787</i> ; to <i>March 1st, 1788</i> , exclusive of those that are supported by the town;	232 16 10
To <i>Zephaniab Webster</i> , Printer, for printing for the Commonwealth, by order, from <i>November 6th, 1787</i> , to <i>December 24th</i> ;	8 11 0
To <i>Caleb Manning</i> , for the board of <i>Elizabeth Sweetser</i> , one of the poor of <i>Charlestown</i> , from the 26th of <i>October 1786</i> , to the 15th of <i>March, 1788</i> ;	18 0 0
To the Selectmen of <i>Walpole</i> , for supporting, Doctor's bill, &c. on account of the widow <i>Hannah Laurance</i> , one of the State's poor, from the 1st of <i>February, 1787</i> , to the 26th of <i>January, 1788</i> ;	26 6 10
To the town of <i>Lincoln</i> , for board and nursing <i>George Montgomery, William Oar</i> , and <i>Thomas Pecoek</i> , State's poor, from the 28th of <i>November, 1787</i> ; to the 29th of <i>February, 1788</i> ;	12 18 4
To the town of <i>Framingham</i> , for advances, board, and Doctor's bill, on the account of <i>Mebetable Saunders</i> , a State's poor; from <i>August 15th, 1787</i> , to <i>March, 10, 1788</i> ;	21 7 2
To the town of <i>Weston</i> , for boarding and nursing <i>Lydia Breed</i> and <i>Philadelphia Breed</i> , the poor of <i>Charlestown</i> , with extraordinary expence on account of the former, from the 2d <i>November, 1787</i> , to the 22d of <i>February</i> last;	17 6 0
To <i>Thomas Parsons</i> , Deputy-Sheriff, for his travel, time and expence in distributing the new form of government, going to ten towns, last fall;	1 7 9
To the town of <i>Brookfield</i> ; for board and Doctor's bill, on account of <i>Matthew Cross</i> , one of the poor of the Commonwealth; from <i>November 10, 1787</i> , to <i>February 11, 1788</i> ;	20 4 10
To the Selectmen of <i>Watertown</i> , for boarding <i>Ruth Mallett</i> , to the 1st <i>Feb. 1786</i> , one of the <i>Charlestown</i> poor; before allowed but not paid, and the order remaining.	15 19 4
To the same Selectmen, for the same person, from the 1st <i>February, 1786</i> ; to the 1st <i>February, 1788</i> ;	17 9 4
To <i>William Butler</i> , Printer, <i>Northampton</i> , from <i>February, 1787</i> , to <i>February 19th, 1788</i> , for printing by order of government;	51 11 3
To <i>Simon Stow</i> , for his services as agent to the estate of <i>Henry Barns</i> , and for supplies to an old Negro woman, from the 14th of <i>November, 1787</i> ; to <i>March 28, 1788</i> , including extraordinary expences,	16 3 2
	£. 1133 15 8

Read and thereupon Resolved, That his Excellency the Governour, with the advice of Council, be requested to issue his warrant on the Treasurer for the payment of the several persons borne on this Roll, the sums set against their names respectively, amounting in the whole to *eleven hundred and thirty-three pounds, fifteen shillings and eight pence.*

CIX.

Resolve authorizing the committee appointed by a resolve of *November 9, 1788*, to repair to the town of *Hancock*, to compleat their business. *March 29, 1788.*

Whereas the committee of both Houses appointed by the resolution of *November 9, 1787*, were prevented from repairing to the town of *Hancock*, to perform the business assigned by the said resolve, within the time limited in the same, by reason of some of the committee attending the State Convention :

¶

Resolved,

Resolved, That the said committee be, and hereby are authorized to compleat the business assigned them, by the said resolve; and make report of their doings to the first session of the next General Court, in the same manner they were directed, by the said resolve, to make report to the present sessions.

CX.

Resolve directing the Treasurer to pay the committee on accounts, in the same manner as the members of the General Court are paid. *March 29, 1788.*

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed to pay out of the publick Treasury, in the same manner the members of the General Court shall be paid, to the committee on accounts, for their services, for the whole of the last and present session of the General Court, agreeable to the allowance always made them, *viz.* To the Hon. *Joseph Hosmer, Esq. five pounds six shilling and six pence*; to *John Carnes, Esq.* the same sum; and to the Hon. *Noah Goodman, Esq.* who attended only part of the last sessions, *one pound four shillings*, which shall be in full discharge for their aforesaid services, in addition to their pay as members of the General Court.

CXI.

Resolve respecting Town Officers taking the oath of allegiance, allowing them a longer time, than prescribed in the resolve of 10th *March, 1787.* *March 29, 1788.*

Whereas by a resolve past the General Court, on the tenth day of *March*, in the year of our Lord 1787, requiring town officers that shall be chosen into office, to take an oath of allegiance, within seven days from the time of their being chosen, hath been found by practice, that the time therein set, is too short for persons in many instances, to comply therewith:

Therefore *Resolved*, That any person chosen into any town office, within this Commonwealth, that does within forty days next ensuing, from the time of their being elected into any town office, take and subscribe the oath of allegiance, shall be considered as the legal officer of any such town the next ensuing year, any law or resolve to the contrary notwithstanding, and all the doings of such officer or officers as shall not have taken said oath between the time of his election, and the time provided by this resolve, shall be as valid and effectual, as if he had taken the oath as prescribed by any former law or resolution.

CXII.

Resolve on the petition of *Jonathan Simpson, jun.* in behalf of *Jonathan Simpson, Esq.* of *Bristol*, in Great-Britain. *March 29, 1788.*

On the petition of *Jonathan Simpson, jun.* in behalf of *Jonathan Simpson, Esq.* of *Bristol*, in *Great-Britain*, praying that the Judge of Probate, for the county of *Essex*, may be authorized, to receive a claim of the said *Jonathan Simpson, Esq.* on the estate *Epes Sargent*, late of *Gloucester*, in the county of *Essex*, *Esq.* deceased, although the time allowed by the said Judge, for the admission of claims on the said estate, before the commissioners, is expired:

Resolved, That the prayer of the said petition be so far granted, as that the said Judge of Probate, be, and he is hereby authorized to appoint new commissioners to receive the claim of the said *Jonathan Simpson, Esq.* and to conduct thereon, in the same manner as though the said claim had been rendered to the commissioners, who were appointed on the estate of the said *Sargent*, deceased, in due form.

CXIII.

Resolve in favour of the Chaplain, Clerk of the House, and Senate. *March 29, 1788.*

Resolved, That there be allowed and paid out the Treasury of this Commonwealth, unto the Rev. *Peter Thacher*, Chaplain of the General Court, the sum of *twelve pounds*; and unto *George Richards Minot, Esq.* Clerk of the House of Representatives, and Mr. *Samuel Cooper*, Clerk to the Hon. Senate, the sum of *fifty-five pounds* each, in full of their services respectively, the present year.

CXIV.

Richard Hinckley, resolve on his petition, to notify the adverse party, to shew cause and staying execution in the mean time. *March 29, 1788.*

On the petition of *Richard Hinckley*, setting forth that *Gabriel Jobonnot*, hath obtained judgment against him, for his non appearance, as set forth in the petition.

Resolved, That the petitioner serve the said *Gabriel Jobonnot*, with a copy of his petition, and this resolve, fourteen days before the second Wednesday of the next sitting of the General Court, and that the said *Gabriel* may appear on the same day, and shew cause, if any he hath, why the prayer of the said petition should not be granted, and that execution on said judgment shall be stayed in the mean time.

CXV.

Resolve on the petition of *Jeremiah Witham*. *March 31, 1788.*

On the petition of *Jeremiah Witham*, formerly a soldier in the service of this government.

Resolved, That there be paid out of the publick Treasury of this Commonwealth, fifteen pounds, in full payment of his pension, until the first day of *June*, one thousand seven hundred and eighty-eight; and that from and after that time, there be annually paid out of the publick Treasury aforesaid, three pounds, during the life of the aforesaid *Jeremiah Witham*, the said money to be under the direction of the Selectmen of any district or town, in this Commonwealth, in which the said *Jeremiah Witham* shall at any time hereafter, live.

CXVI.

Resolve on the petition of *Robert Fuller*, in behalf of the town of *Needham*. *March 31, 1788.*

On the petition of *Robert Fuller, jun.* in behalf of the town of *Needham*, praying for leave to pay into the Treasury of this Commonwealth, the sum of *twenty-seven pounds thirteen shillings and one penny*, in orders or consolidated notes, as other back taxes were paid, which was assessed on said town, agreeable to a resolve of the General Court, of the 26th of *June*, 1786:

Resolved, That the prayer thereof be granted, and that the town of *Needham* have liberty to pay the sum of *twenty-seven pounds thirteen shillings and one penny*, in Treasurer's certificates on back taxes, in discharge of the said tax, and the Treasurer is hereby directed to govern himself accordingly

CXVII.

Resolve on the petition of *Joseph Nye* and others, in behalf of the town of *Sandwich*. *March 31, 1788.*

On the petition of *Joseph Nye* and others, in behalf of the town of *Sandwich*, praying that *Zenos Nye* and *James Freeman*, two Collectors of taxes for the said town, may be authorized to collect the assessments of the taxes granted by the General Court, in 1784 and 1786, which assessments were made by order of the Court of General sessions of the Peace, for the county of *Barnstable*; and also, that they may be allowed till the first day of *June* next, to pay the said taxes into the Treasury of this Commonwealth, for reasons set forth in the said petition.

Resolved, That the prayer of the said petition be granted, and that the Assessors appointed by the Court of General Sessions of the Peace as aforesaid, as soon as they have completed the said assessment, commit the bills to the said *Zenos Nye* and *James Freeman*, with warrants in due form of law to collect the same, and make payment thereof, to the Treasurer of this Commonwealth, on or before the first day of *June* next, and that the said Assessors certify the Treasurer of this Commonwealth, of the same; as the law directs.

CXVIII.

Resolve on the petition of *John Hill*, grant to. *March 31, 1788.*

On the petition of *John Hill*, praying for wages due to him in the year one thousand seven hundred and seventy-five.

Resolved

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to *John Hill*, the sum of *three pounds seventeen shillings and two pence*, in full for his service, as set forth in his petition.

CXIX.

Resolve on the petition of *Daniel Gould*, in behalf of the town of *Ware*. March 31, 1788.

On the petition of *Daniel Gould*, in behalf of the town of *Ware*, praying for the remittance of a fine of *six hundred pounds*, continental money, for the deficiency of one man for the Continental army, for the year 1779:

Resolved, That the prayer of the petitioner be granted, and that the Treasurer is hereby directed to credit the town of *Ware*, the sum of *eighteen pounds five shillings*, specie, agreeable to the consolidation of the above said sum, and for which execution is issued against the said town of *Ware*.

CXX.

Resolve on the petition of *Thomas Sheldon*, to notify the adverse party to shew cause, &c. March 31, 1788.

On the petition of *Thomas Sheldon*, of the New-City, in the county of *Albany*, and state of *New-York*, merchant, setting forth, that on the 20th day of *August*, now last past, *Joseph Goodrich*, of *Sheffield*, in the county of *Berkshire*, gentleman, before *Lemuel Barnard*, Esq. one of the Justices of the peace, for the said county of *Berkshire*, recovered judgment against him the said *Thomas* by default, for the sum of *one hundred and seventy pounds seventeen shillings and nine pence*, damages, and *sixteen shillings and one penny*, costs of suit: praying for reasons set forth, that execution on the judgment aforesaid may be stayed, and that the said *Joseph*, carry his said cause to the Court of Common Pleas, with the copies, &c. and that the said cause be then at the said Court, open in law.

Thereupon *Resolved*, That the prayer of the petitioner be so far granted, that the said *Thomas*, notify the said *Joseph*, at least fourteen days before the third Wednesday of the next setting of the General Court, by serving him with a copy of his aforesaid petition, and this resolve, then to shew cause, if any he has, why the prayer thereof should not be granted, and that execution on the judgment aforesaid be stayed in the mean time, together with any action already commenced, or that in the mean time may be commenced in consequence of the judgment aforesaid.

CXXI.

Resolve on the petition of the Hon. *Nathaniel Peaslee Sargent*, authorizing the Treasurer to issue a certificate for the sum mentioned. March 31, 1788.

On the petition of the Hon. *Nathaniel Peaslee Sargent*, praying that the Treasurer may be authorized to issue a new certificate:

Resolved, for reasons set forth in the petition, that the prayer of the petitioner be granted, and the Treasurer is hereby authorized and directed to issue a certificate, for sum of *seven pounds*, on the specie part of tax No. 5, in favour of the above-named *Nathaniel Peaslee Sargent*, he giving sufficient security to the Treasurer, to refund the said sum of *seven pounds*, if the former certificate should hereafter be found.

CXXII.

Resolve on the petition of *Moses Ames*, in behalf of the town of *Fryburgh*, directing the Treasurer to credit said town. March 31, 1788.

On the petition of *Moses Ames*, in behalf of the town of *Fryburgh*, praying that the said town may be relieved, on account of some mistakes made in taking the last valuation of said town, as set forth in the said petition:

Resolved, That the said town of *Fryburgh*, be abated the sum of *three pounds fifteen shillings*, on the last tax-act, and the Treasurer of the said Commonwealth is hereby directed to credit the town of *Fryburgh*, the said sum of *three pounds fifteen shillings*, accordingly,

ingly, one third part of the said sum on the specie part of the said tax, and the other two thirds, on that part for redeeming the army notes, and paying the interest on the Continental Loan Office certificates, in equal shares.

CXXIII.

Resolve respecting the North-Mills Lottery, repealing a law passed *November* last. *March 31, 1788.*

Resolved, That the resolve of the General Court, of the 19th of *November* last, respecting the North Mills lottery, be, and the same is hereby repealed.

CXXIV.

Resolve on the petition of *Joshua White*, in behalf of the town of *Middleborough*, making good and valid an assessment made by the Selectmen, and the proceedings thereon. *March 31, 1788.*

On the petition of *Joshua White*, in behalf of the town of *Middleborough*, praying that the assessment made by the Selectmen of the said town may be made valid in law, and that the executions against the Collectors of the said tax in the said town, may be continued for a longer time, than is by law provided, for reasons therein set forth,

Resolved, That the prayer of the said petition be granted, and that the said assessment, together with the warrants for collection, be, and hereby are made good and valid in law, together with all the proceedings thereon, to all intents and purposes, and that the executions which have been issued against the Collectors of the said tax, in the said town, be, and hereby are continued in full force, until the first day of *August* next, and are not returnable until the said time, any thing in any resolution to the contrary notwithstanding, and the Treasurer of this Commonwealth, and the Sheriff of the county of *Plymouth*, are directed to govern themselves accordingly.

CXXV.

Resolve on the petition of *Joseph Doble*. *March 31, 1788.*

Upon the petition of *Joseph Doble*, executor to the last will and testament of *John Doble*, deceased, praying that a certain judgment may be annulled, for reasons set forth in the said petition,

Resolved, That the judgment made up and given, in an action in the Court of Common Pleas, holden at *Boston*, within and for the county of *Suffolk*, on the third Tuesday of *April* last, wherein *Richard Rolafon Doble*, was plaintiff, and the said *Joseph Doble* as executor, was original defendant, be, and hereby is set aside, and declared null and void: And it is hereby further *Resolved*, that the said cause be continued to the next Court of Common Pleas, to be holden at *Boston* aforesaid, on the first Tuesday of *January* next, in the same manner as if the cause had been regularly continued to that time, and the Clerk of the said Court, is hereby directed to carry the said action forward, to the said Court, to be holden at *Boston* as aforesaid, in the same manner, and that the same proceedings be thereupon had, as if judgment had never been given in the above cause, and the execution issued upon the said judgment, is hereby declared null, invalid and void.

CXXVI.

Resolve on the petition of *Jonathan Parker*, repealing a resolve, passed the 9th of *November* last, and directing the Treasurer to revoke the execution issued, and to issue another. *March 31, 1788.*

Upon the petition of *Jonathan Parker*, praying that a resolution which passed the General Court, on the ninth day of *November* last, directing the Treasurer to issue an execution against him, for the sum of one hundred and thirteen pounds three shillings and three pence, specie, the property of the town of *Plympton*, may be repealed.

Resolved, for reasons set forth in his petition, that the resolve aforesaid and all proceedings thereon, be, and are hereby repealed, and rendered null and void, and the

Treasurer of the said Commonwealth, is hereby directed to revoke the execution issued in consequence of the said resolve, and to issue another against the said *Jonathan Parker*, for the aforesaid sum of *one hundred and thirteen pounds three shillings and three pence*, payable in the same manner as other executions, against delinquent Collectors of the same tax.

CXXVII.

Resolve on the petition of *John Potter*. March 31, 1788.

On the petition of *John Potter*, praying that a judgment obtained against him by mistake, in favour of one *Joseph Darling*, may be reversed.

Resolved, That the petitioner serve the said *Joseph Darling*, with an attested copy of his petition and this resolve thereon, fourteen days before the third Wednesday of the next sitting of the General Court, that he may appear on the said third Wednesday, if he see fit, and shew cause, if any he have, why the prayer of the petition should not be granted. and in the mean time all further process or execution, on the said judgment, shall cease.

CXXVIII.

Resolve repealing a resolve for apprehending *Daniel Shays* and others, and requesting the Governour to write to the other States upon the subject. March 31, 1788.

Whereas by a resolution of the General Court, passed the eighth day of *February* 1787, the Governour was requested by and with the consent of Council, to issue his proclamation, offering a reward for apprehending such of the ring-leaders and principals, in the late rebellion, as his Excellency shall judge proper: And in pursuance of the said resolution, his Excellency has offered a reward for apprehending *Daniel Shays* and others.

And whereas the reasons which then operated, for offering such reward, do not now exist.

Therefore *Resolved*, That the resolution aforesaid, be, and it is hereby repealed; and the same, together with the proclamation aforesaid be annulled, and his Excellency the Governour, is hereby requested to issue his proclamation, giving publick notice thereof; and to inform by letter, the Executives of the several states, who may have issued like proclamations, of this resolution, requesting them to recall their proclamations relative to the subject.

CXXIX.

Resolve on the petition of the town of *Shapleigh*, authorizing the Selectmen to lay an assessment on the polls and estates of the inhabitants of said town, their apportionments of the tax in 1786. March 31, 1788.

Whereas it appears to this Court, that the Selectmen of the town of *Shapleigh*, in the county of *York*, did not assess the said town's apportionment of the tax, granted in the year of our Lord 1786, on the polls and estates of the said town, according to the rules and directions contained in the act, granting the said tax, and as it appears to this Court, that it would be beneficial to the said town, if the said tax might be assessed on the polls and estates thereof, in a proportion different from that which is provided in said act:

Therefore *Resolved*, That the Selectmen of the said town of *Shapleigh*, be, and hereby are authorized and directed to assess the said town's apportionment of the said tax, on the polls and estates of the said town, in the manner following, *viz.* on every male poll of sixteen years old, and upwards, *twelve shillings*, and the residue of the said town's apportionment, on the estates, real and personal, in the said town, according to the rules and directions in the said tax-act, and to commit to the Collector or Collectors, Constable or Constables, of the said town, with a warrant or warrants, in due form of Law, for their collecting the same, to be paid into the Treasury of the Commonwealth, on

or before the first day of *August* next, and to certify the same to the Treasurer of this Commonwealth according to law, on or before the twentieth day of *May* next, any thing in the said tax-act to the contrary notwithstanding.

CXXX.

Resolve on the representation of the Justices of the Peace for the county of *Cumberland*, granting a tax to be assessed on the inhabitants of said county. *March 31*, 1788.

On the representation of the Justices of the Peace, for the county of *Cumberland*:

Resolved, That there be, and hereby is granted, a tax of *three hundred and fifty pounds*, to be apportioned and assessed on the inhabitants of the said county, and estates, lying within the same, to be collected, paid, and applied for the use of the said county, according to the laws of the Commonwealth.

CXXXI.

Resolve on the petition of the second parish in the town of *Amberst*. *April 1*, 1788.

On the petition of the second parish in the town of *Amberst*, praying that all rateable persons who do now, or shall hereafter live upon land belonging to the said second parish, as its bounds were settled by a former act of Court, may be considered as belonging to the said second parish, for reasons set forth in the said petition:

Ordered, That the prayer of said petition be so far granted, that some one of the said petitioners, serve the first parish in the town of *Amberst*, with an attested copy of their petition, and of this order thereon, thirty days at least, before the second Wednesday of the first sitting of the next General Court, by leaving the said attested copy with some principal inhabitant of the said first parish, then to shew cause, if any they have, why the prayer of said petition should not be granted.

CXXXII.

Resolve on the petition of *Elisha Cutler*: *April 1*, 1788.

Upon the petition of *Elisha Cutler*, of *Waltham*, praying that judgment recovered by *Thomas Ivers*, Esq. late Treasurer of the Commonwealth, against him, and the execution which issued thereon, may be returned satisfied, and he be discharged therefrom:

Resolved, That the prayer thereof, be so far granted, that the Sheriff of *Middlesex*, be, and he is hereby authorized and directed to receive of the said *Cutler*, the balance, which may be due to this Commonwealth, in the said execution; after deducting the neat proceeds of the sale of the real estate of the said *Cutler*, which said execution has been extended upon, in the consolidated notes of this Commonwealth, on receipt thereof, to give a full discharge of the said execution.

CXXXIII.

Resolve the petition of *Bildad Fowler*, of *Westfield*, *April 1*, 1788.

On the petition of *Bildad Fowler*, of *Westfield*, in the county of *Hampshire*, praying that he, and his sureties, may be saved harmless, from a default on their recognizances at the Supreme Judicial Court of the Commonwealth, holden at *Springfield*, within and for the county of *Hampshire*, on the fourth Tuesday of *September* last.

Resolved, That the prayer of the said petition be granted, and that the said *Bildad*, and his sureties, *viz. Bildad Fowler, jun. and Roger Bagg*, be, and they hereby are indemnified from the default aforesaid, of the said petitioner: Provided the said petitioner shall appear before the Supreme Judicial Court, next to be holden within and for the said county; and provided also, that he shall pay the costs arising by the said default.

CXXXIV.

Order of the House, requesting the Governour to write to the Governour of *New-York*, to express the grateful sense this Court entertain, for his polite attention to the subject of the western lands. *April 1*, 1788.

Ordered, That his Excellency the Governour, be, and he hereby is requested to write

write to his Excellency the Governour of the State of *New-York*, and to inform him, that this Court are impressed with a grateful sence of the polite attention which he has paid to this Commonwealth, in his several communications, on the subject of the western lands; and do entertain a high sence of the spirited and decisive measures which the Senate and Assembly of the said state have taken with regard to the unwarrantable and unlawful practices of *John Livingston*, and others, in obtaining leases from the Indians, of the lands lately the subject of a compact between the two governments; and that this Court unite with them in declaring the said leases to be null and void. That the embarrassed situation of this Commonwealth, has prevented their joining with the state of *New-York*, in the proposed treaty with the Indians, and induced them to comply with the proposal of certain of their citizens, for purchasing the right of pre-emption, which was by the tenth article of the compact aforesaid, ceded to this Commonwealth.

CXXXV.

Resolve for disposing of the right of pre-emption which this State has in, and to the western territory, so called, (lately ceded by the State of *New-York*) to the Hon. *Nathaniel Gorham*, and *Oliver Phelps*, Esq's, and appointing the Rev. Mr. *Kirkland*, to superintend the purchase. April 1, 1788.

On the proposal made to the General Court, by the Hon. *Nathaniel Gorham*, and *Oliver Phelps*, Esq's, to purchase for the consideration of *three hundred thousand pounds*, in consolidated securities of this Commonwealth; or *two thousand pounds*, specie, together with *two hundred and ninety thousand pounds*, in like securities, the right of pre-emption which this Commonwealth has in, and to the western territory, so called, lately ceded by the State of *New-York*, to this Commonwealth, as appears by deed executed by their respective commissioners, at *Hartford*, the sixteenth day of *December*, A. D. 1786.

Resolved, That the said proposal for purchasing the land aforesaid, for the consideration of *three hundred thousand pounds*, in consolidated securities of this Commonwealth, be, and hereby is accepted, and this Commonwealth doth hereby agree, to grant, sell, and convey to the said *Nathaniel Gorham* and *Oliver Phelps*, Esquires, all the right, title and demand, which the said Commonwealth has in and to the said western territory, by the deed of cession aforesaid, to have and hold the same to the said *Nathaniel Gorham* and *Oliver Phelps*, Esquires, their heirs, and assigns, forever, upon the conditions hereafter expressed; and the said *Nathaniel Gorham*, and *Oliver Phelps*, are hereby authorized to extinguish, by purchase, the claims of the native Indians, holding the fee or right of soil, in the territory aforesaid.

And it is hereby *Resolved*, That the Rev. Mr. *Samuel Kirkland*, be, and hereby is appointed to superintend and approve, at the expence of the said grantees, the purchase which the said *Nathaniel Gorham* and *Oliver Phelps*, Esquires, shall make of the claims of such native Indians.

And it is hereby further *Resolved*, That all such purchases as the said *Nathaniel Gorham* and *Oliver Phelps*, shall make of the claims of the said Indians, in presence of the said superintendant, shall be confirmed by this Commonwealth, provided the said *Gorham* and *Phelps*, shall give security to the satisfaction of the Supreme Executive of this Commonwealth, separate obligations to pay the aforesaid consideration monies, to the Treasurer of this Commonwealth, or his successor in office, for the use of this Commonwealth, one third thereof in one year, the other third thereof in two years, and one other third thereof in three years, from the date of this resolve, with interest in like consolidated securities, to commence from the date of this resolve, until paid.

B O S T O N :

Printed by ADAMS and NOURSE,

PRINTERS TO THE HONOURABLE GENERAL COURT.

M, DCC, LXXXVIII.

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