

WEDNESDAY, JULY 29, 1788.

NORTHAMPTON: PRINTED BY WILLIAM BUTLER, A FEW ROADS EAST OF THE COURT-HOUSE.

Commonwealth of Massachusetts. In the House of Representatives; June 13, 1788. An ACT empowering the Justices of the Supreme Judicial Court, to grant Writs of Review in certain cases.

WHEREAS the Justices of the Supreme Judicial Court, are by law empowered in certain cases, to set aside verdicts and grant new trials; but are not empowered by law, to set aside judgments, when rendered on such verdicts: And forasmuch as the said Justices have no power to set aside such judgments, many inconveniences have happened and may hereafter happen, unless some remedy be provided:

BE it therefore enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, That whenever there hath been, or hereafter may be, any legal cause for the said Justices before judgment, to set aside any verdict, but nevertheless judgment hath been, or hereafter may be rendered on such verdict, the party aggrieved by such judgment (and not otherwise entitled to a review of the cause) may petition the Justices of the aforesaid Court, at any of their terms, for a review of such cause; and the said Justices, on due notice to the adverse party, and full consideration of such petition, are hereby empowered if they see fit, to grant a review of the said cause, on such terms and conditions, as to them shall seem just and reasonable between the said parties.

And whereas by reason of accident, mistake, or some unforeseen cause, judgments have been and hereafter may be rendered in the said Court, on discontinuance non suit, nil dicit, non sum informatus, report of referees, or default, and suits have been and hereafter may be discontinued, without judgment, to the hindrance or subversion of justice: Wherefore

BE it further enacted by the authority aforesaid, That whenever by reason of any accident, mistake, or any unforeseen cause, judgment hath been, or hereafter may be rendered on discontinuance, non-suit, nil dicit, non sum informatus, report of referees, or default, or suits have been, or hereafter may be discontinued without judgment, to the hindrance or subversion of justice: the said Justices on petition as aforesaid, are further empowered to grant a review of the action, in manner as aforesaid.

And whereas similar cases do happen, in the Court of Common Pleas, and before the Justices of the Peace:

BE it therefore enacted by the authority aforesaid, That whenever by reason of any of the causes mentioned, in the last enacting clause, any judgment in the said Court, of Common Pleas, or before any Justice of the Peace, hath been or hereafter may be rendered in manner, as in the same clause is mentioned; or any appeal hath been, or hereafter may be prevented or lost, to the hindrance or subversion of justice as aforesaid; and the party aggrieved shall produce in, and file with the Clerk of the Supreme Judicial Court, a copy of record of the cause duly attested, and shall petition the Justices of the same Court for a review of the cause in manner as aforesaid, the said Justices may grant a review of the said cause, in manner aforesaid, to be heard and determined, in the said Supreme Judicial Court.

Provided always, That no petition for review, shall be sustained after one year and six months from the time of rendering judgment in the action, and only one review shall ever be granted in any action, by virtue of this Act.

And be it further enacted by the authority aforesaid, That whenever a review is granted,

ed, by virtue of this Act, a writ of review shall be sued out and prosecuted to final judgment and execution, in the same manner as is provided in other actions of review.

Be it further enacted by the authority aforesaid, That the Justices aforesaid, to whom any petition shall be preferred in manner aforesaid, are further empowered to stay execution of the cause, on such conditions as are before mentioned; and whenever the same Justices shall adjudge, that the petitioner shall take nothing by his petition, they are also empowered to award the respondent, his reasonable costs, and execution may be sued out accordingly.

In the House of Representatives, June 23, 1788.

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

THEODORE SEDGWICK, Speaker. In Senate June 19, 1788.

This Bill having had two several readings passed to be enacted.

SAMUEL PHILIPS, jun. President. Approved,

JOHN HANCOCK. True Copy. Attest. JOHN AVERY, jun. Secretary.

Commonwealth of Massachusetts. In the year of our LORD, One Thousand Seven Hundred and Eighty-Eight.

An ACT in addition to an Act, entitled "An Act to bring into the public Treasury, the sum of one Hundred and sixty-three Thousand and two hundred Pounds, in Public Securities, by a sale of a part of the Eastern Lands, and to establish a lottery for that purpose."

WHEREAS some of the proprietors of the prize-lots drawn in the Lottery aforesaid, have represented, that their said lots are scattered over a great extent of territory, belonging to the Commonwealth, and are desirous of exchanging the same with the Commonwealth, in such manner that their lots may lie together: And whereas it is for the interest of the Commonwealth, that their request should be granted:

Therefore be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That upon application of any number of proprietors who have drawn, or are entitled, to prize-lots as aforesaid, equal to the contents of a township, to the Committee on the subject of unappropriated lands in the counties of York, Cumberland and Lincoln, for either of the townships within and upon the borders of the tract appropriated to the said Lottery, they shall be entitled to receive adged of the same; reserving however the lots appropriated to the public uses in such township; and also reserving lots therein, which are drawn by adventurers to the persons who drew them, or to their heirs or assigns, agreeably to the plan in the Secretary's office; also reserving to any seeler on the said lands or persons who may have actually made improvements thereon, previous to the passing of this Act, a right to purchase the same of this Commonwealth at any time within twelve months from this date hereof; the residue of such township, to be divided in such manner, as the said associators or adventurers may agree upon.

Resolved however, That application to the committee aforesaid, be made within six months from the passing this Act, and that the said adventurers, bear the expence of causing the said township so applied for, to be surveyed, under the inspection of the said Committee.

And be it further enacted, That upon execution of a deed by the Committee as aforesaid to the adventurers applying thereto as aforesaid, and their endorsing the tick-

ets intiting them to such prize-lots, and releasing the same to the Commonwealth, the title to such prize-lots for which such township shall be exchanged as aforesaid, shall be re-vestigated in, and ensue of the Commonwealth, as fully, to all intents and purposes, as if the same had not been granted, or drawn by such adventurers. In the House of Representatives, June 29, 1788.

This Bill having had three several readings, passed to be enacted.

THEODORE SEDGWICK, Speaker. In Senate, June 20, 1788.

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

SAMUEL PHILIPS, jun. President. Approved

JOHN HANCOCK. True Copy. Attest. JOHN AVERY, jun. Secretary.

Mr. BUTLER, FOR the information of the Justices of the Peace, in the several counties in the Commonwealth, you will please to insert in your paper the following extract from a resolve, passed by the Honourable Legislature on the 20th. inst and oblige Yours, &c. ALEXANDER HODGDON, (Treasurer.

"Resolved, That the Treasurer be and he is hereby ordered, to take proper measures to compel all Justices of the Peace to account with him annually for all fines by them received or imposed for the use of the Commonwealth. And the Attorney-General on application from the Treasurer, is directed to afford him all the necessary assistance, to enable him to carry the above resolution into effectual execution."

Treasury Office, Boston, June 25, 1788.

Sent up for concurrence. THEODORE SEDGWICK, Speaker. In Senate, June 20th, 1788.

Read and concurred, SAMUEL PHILIPS, jun. President. Approved

JOHN HANCOCK. A true copy, attest.

JOHN AVERY, jun. Sec'y.

GOOD WHEAT, at 4/- RYE, at 2/- INDIAN CORN, at 2/6 per bushel, to be sold at the Store of TAPPAN & FOWLE, where may be had a good assortment of English G O O D S, cheap for Cash. Northampton, July 0, 1788.

NOTICE is hereby given to the following non-resident Proprietors of unimproved lands in the town of Norwich, in the county of Hampshire, that the same are now offered for sale to the best bidder, at the public vendue, on the 1st day of August next, to wch of said lands, the following are the names and contents thereof, to wit: viz. The late of JOHN PERCY, late of Shutebut, Esq; deceased, represented insolvent, and eight months being allowed to the creditors to file estate to bring in and support their claims, whereby give notice, that he shall attend at the said vendue, on the first Monday of August, October and December next, from two to six o'clock P. M.

Table with 2 columns: Name and Amount. Includes Willcocks and Grants, Edward Walker, Esq, Benjamin Conners, Esq, Esch Shepherd, Jonathan Bacon, Willcocks and Grants, Esch Shepherd, Edward Walker, Esq, Seth Taylor, Benjamin Conners, Benjamin Conners, Doct. Samuel Macker, Rowell Benjamins, David Crow.

Whereof said taxes are paid on or before the 1st day of August next, to wch of said lands, will then be sold at Public Vendue, at the house of Mr. Thomas James Douglas, inholder in said town, at one o'clock P. M. at wch vendue, the said discharge said taxes with intervening charges.

Ordered that Kirkland, Collector for 1783; Jonathan Lovell, do for 1784; John Galloway, do for 1785 & 86; Isaac Williams, do for 1787; James Conners, do for 1788.

Where the subscribers be appointed Commissioners, by the hon. Judge of Probate for the county of Hampshire, to receive and examine the claims of the creditors of the estate of the late of JOHN PERCY, late of Shutebut, Esq; deceased, represented insolvent, and eight months being allowed to the creditors to file estate to bring in and support their claims, whereby give notice, that he shall attend at the said vendue, on the first Monday of August, October and December next, from two to six o'clock P. M. THOPHILLUS CROCKER, MATTHEW PRATT.

Commonwealth of Massachusetts. In the year of our LORD, One Thousand Seven Hundred and Eighty Eight.

An ACT to confirm the doings of Justices of the Peace, whose commissions have expired, or may hereafter expire, and be again renewed. WHEREAS by the Constitution of this Commonwealth, the Commissions of Justices of the Peace, expire at the end of seven years; and whereas it has happened and may hereafter happen, that much business which has been or may be begun by them in the execution of the duties of their office, and the business begun by them has not been or may not be completed, and carried into full execution, before the expiration of the said term of their commissions, and as doubts have arisen whether such actions, doings and proceedings, can survive and remain valid after the expiration of the term of their commissions, and be again re-assumed and proceeded upon, after such commissions are or shall be renewed.

BE it therefore enacted by the Senate, and House of Representatives, in General Court assembled and by the authority of the same, That all such actions, suits and proceedings of Justices of the Peace in this Commonwealth, which have been commenced and carried into execution since the renewal of their said commissions, be, and they be hereby confirmed and rendered valid, to all intents, as fully as if the Commissions, under authority whereof they originated, had continued in force, until the final issue of such actions and proceedings aforesaid.

And be it further enacted by the authority aforesaid, That all Justices of the Peace as aforesaid, whose commissions have expired, or shall expire before judgment has been or shall be rendered thereon, or judgment being rendered, the same remains in whole or in part unsatisfied, shall hereafter have their said commissions feebly renewed, and being duly qualified agreeably to the Constitution of this Commonwealth, shall under such Commissions, be, and they are hereby authorized and empowered, to render judgment and issue execution on all such actions commenced as aforesaid, in the same manner as the commissions under which such actions were or may be commenced, were in full force. In the House of Representatives, June 20, 1788. This Bill having had three several readings, passed to be enacted.

THEODORE SEDGWICK, Speaker. In Senate, June 20, 1788.

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

SAMUEL PHILIPS, jun. President. Approved

JOHN HANCOCK. True Copy. Attest. JOHN AVERY, jun. Secretary.

Commonwealth of Massachusetts. In the year of our LORD one Thousand Seven Hundred and Eighty Eight.

An ACT in addition to the ACT, for regulating the proceedings on Probate Bonds, in the Courts of Common Law, and directing their form in the Supreme Court of Probate.

WHEREAS, and by the last section of the said Act, it is enacted, "That when a Bond, against the obligors, their Executors or Administrators, and the party or parties, against whom such judgment shall be rendered, shall by law be entitled to a review thereof, execution shall be suspended, or stayed in such counties, as shall be ordered by the Supreme Court annually, for the space of six calendar months, to commence on the day of rendering the judgment; and in such Counties as have two Supreme Judicial Courts annually, execution shall be suspended until the next term or sitting thereof in the same county, to the end the said obligors, their Executors or Administrators, may (if they please) review the same." By reason of which, all attachments of real or personal property, on the original writ, for bringing forward a claim, are rendered useless and ineffectual, and the judgment that may be given

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That it shall and may be lawful, for the party or parties, for whose use and benefit, a judgment, upon any Probate Bond may be hereafter rendered, (as soon as 24 hours shall be expired, after the judgment shall be entered) to sue out execution thereupon; any thing in the said recited Act to the contrary notwithstanding.—Provided, the person or persons, suing out the same execution, shall give bond, to the party or parties against whom the same shall issue, (and file the bond in Court for his or their use) in double the sum named in the execution, with surety or sureties to the acceptance of the Court, with condition to refund and pay to him or them, whatever sum or sums, shall be received or levied by virtue thereof, more than sufficient to satisfy the final judgment, that may be given in his or their favour, upon a writ of review, that may be commenced thereupon, within the time by law limited for such review; And if at the time of rendering the final judgment on the review, it shall appear to the Court that the party or parties, suing out execution as aforesaid, have received or levied thereon a larger sum than the final judgment, it shall and may be lawful for the same Court, and they are hereby authorized and empowered, to enter up judgment in favour of the obligee, for the restitution thereof, and thereupon to issue execution for the same, against the said obligors (or so many of them as shall then be living) in as full and ample a manner, as though a suit was commenced and prosecuted on the same bond.

And be it further enacted by the authority aforesaid, That when any suit shall hereafter be brought on a Probate Bond, and the principal obligor named in the bond is living and resident within the Government, and shall not be summoned in the writ, or if named, shall not be attached or summoned by the Court, at the request of the surety or sureties, that may be attached or summoned thereby, to continue the same cause to the next term, upon some distant day in the same term; if upon a consideration of the circumstances attending the suit, they shall determine such continuance reasonable or expedient; to the end such surety or sureties may purchase out a writ in such form as the Court shall direct, for attaching the principal to come in and become a party to the suit; and in case the principal (after being attached or summoned upon such process, fourteen days, or more, prior to the time of his being directed to appear and answer) shall not appear, and answer, the Court are hereby authorized and empowered to render judgment against him, in the same way and manner they might have done, had such principal been duly named and legally summoned by the original writ, which commenced the suit, and he had neglected to appear, or appearing, had neglected to make answer thereto.

And be it further enacted by the authority aforesaid, That a law made and passed, the eighteenth day of March, one thousand seven hundred and eighty-eight, intitled "An Act in addition to, and for explaining an Act passed in the year, one thousand seven hundred and eighty seven, intitled "An Act for regulating the proceedings on Probate Bonds, in the Courts of Common Law; and directing their form in the Supreme Court of Probate," be, and hereby is repealed.

In the House of Representatives, June 20, 1788.

This Bill having had three several readings, passed to be enacted.

THEODORE SEDGWICK, Speaker. In Senate, June 20, 1788.

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

SAMUEL PHILIPS, jun. President. Approved

JOHN HANCOCK. True Copy. Attest. JOHN AVERY, jun. Secretary.

Particulars respecting the dispute which lately happened at Providence. From the PROVIDENCE GAZETTE. Mr. CARTER, YOUR last Gazette announced to the public in the manner in which Friday the 4th inst.

was celebrated in this town.—From a regard to the honour of the State, and to the feelings of some of our fellow-citizens no mention was made of the appearance of a number of persons under arms from the country, on the morning of that day: But in vain was this friendly purpose to cast the veil of charity and oblivion over that rash and ill-judged attempt. When people will fanatize themselves, it proves that they are past even shame the fall of all the virtues.

Whether from the vain-glorious boasting of supposed victory, or more unaccountably vanity of being known to the world as the leader of a mob, a lengthy publication on that subject has been thought necessary by one of the Judges of the Superior Courts of this State! It has therefore now become an indisputable duty to publish those proceedings in their true light, as well for the reputation of the gentleman who contributed to delay the expence of the fest, as to vindicate that of those gentlemen who went out of town to disperse the rioters.

On certain information, received in the morning of that day; that some disorderly persons, with loaded guns, were lurking in the woods in the vicinity of the town a number of gentlemen, about 2 o'clock went out to treat with their leaders, on some terms to disperse them.

On their arrival at Col. Christopher Onley's they were informed by William Weston, Esq. one of the Judges of the Superior Court, Capt. Andrew Waterman, and John Sargent, Esq. (both members of the Hon. General Assembly) who appeared to be the principal leader, that their intention was to prevent any rioting on account of the adoption of the new federal Constitution.

On this occasion the gentlemen from town remarked, that it gave them pain to think that the republic of society should be interrupted in such a manner; to erect a purpose of that kind—that had any persons dissatisfied in the country feebly intimated that any demonstrations of joy on that account would be revenged by military execution, their regard for the apprehensions and alarms of aged and infirm, of the women and children in the town, which would be necessarily excited on such an occasion, and very distressing would have induced them to have forbore a gratification so trivial, a traverer their martial feelings might have suggested to the contrary; but that no intimation of this sort had been made, on the part of any dissatisfied in the country, until the preparations for the festival were complete—that the festival was to be held on the anniversary of Independence, an event in the celebration of which it was presumed all could unite—that none were to be compelled to attend, nor to be molested by any of the transactions of the day—that the festival would be attended on lands which were private property, & by the consent of the owners of the soil—that all the money to be expended were raised by voluntary contribution—and that it formed a stretch of power alarming to freemen, to attempt in such a rude manner, with guns and bayonets, to surround and disturb persons only eating and drinking, and making merry on their own lands, at their own expence, in the peace of the Government—and free from even the suspicion of the actual breach of any known law—that if any law had been broken, or should be broken, legal prosecution was open, and the present administration on their side, according to their own accounts—that the law would afford ample remedy for all offences, either against the State or individuals; in this case—that a legal remedy would be more tenacious to them than any they could take by violence, as well as more for the credit of the present administration, several of whom were in the infirmary—that the liberality of this sitting, under our own view and observation, which any man who was an obstacle for a while we had long and exultantly contended, and in that contest the independent corps in the town, as well as the town militia, had borne too conspicuous a part to permit any apprehension to take place derogatory to their military character, whenever an occasion might present in which it might worthily be put to the proof—that it could not be expected that the ground would be yielded, or the property given up—that it was however the wish of all concerned to pacify the minds of the persons under arms and to disperse them, that the remainder of