

In the Year of our Lord, one thousand seven hundred and ninety-two.

An Act in addition to the several Laws now in force, providing for the collection of Taxes.

WHEREAS provision is made by law, when any Constable or Collector of taxes in any town, district or plantation, precinct or parish, shall die before the completing of the collection of the taxes committed to him, that the Assessors appoint a Collector to perfect such collection; but no provision is made when any Constable or Collector shall become non compos mentis, or be disabled by bodily infirmities from perfecting his collection:—For remedy whereof,

Be it enacted by the Senate, and House of Representatives, in General Court assembled, and by the authority of the same, That when any Constable or Collector of any town, district, plantation, precinct or parish, who is already or may hereafter become non compos mentis, and who hath or may have a Guardian duly appointed, or who hath already been, or may hereafter, by bodily infirmities be rendered incapable of discharging the duties of his office in the judgment of the Assessors, before such infirm or infirm Constable or Collector hath perfected his collection, the Assessors shall thereupon procure and appoint in writing under their hands, some suitable person a Collector to perfect such collection, and grant him a warrant for that purpose; and the person so appointed shall have the same power and authority, as were granted to such infirm or infirm Constable or Collector: Provided nevertheless, That no person shall be appointed to complete the collection of such infirm Collector, unless he shall request the same: And provided further, That when it shall appear to the Assessors, that such infirm or infirm Constable or Collector, shall have paid to the Treasurer or Treasurers, to whom he was accountable, a larger sum or sums of money than the amount of the monies that he has collected from the persons borne on his list of assessment, the Assessors in their warrant to the Collector by them appointed, shall direct him to pay such sum as shall appear to them to be overpaid as aforesaid, to the Guardian of such infirm Constable or Collector, or to such infirm Constable or Collector, as the case may be:—And in the cases aforesaid, and in case of the decease of any Constable or Collector of taxes before his perfecting his collections, the Assessors for the time being shall have power to demand & receive, the list or lists of assessment, & from such infirm Constable or Collector, or from the Guardian of such Constable or Collector as shall be non compos mentis, or from the Executors or Administrators of any deceased Constable or Collector, or of, and from any person in whose hands the same may be, and to deliver the same to the Collector newly appointed.

And whereas provision is also made by law, that when any distress shall be taken by any Constable or Collector, for non-payment of taxes; it shall be kept four days before notice of sale shall be given, and that the forty-eight hours notice of sale shall not be given until after the expiration of the said four days, which prolongation of the time of sale, often increases expence and appears to be unnecessary:

Be it therefore enacted by the authority aforesaid, That it shall and may be lawful for any Constable or Collector to give the forty-eight hours notice of the sale of any distress by him taken, for the non-payment of taxes, within the said four days, and after such notice, to sell such distress after the expiration of the said four days; any law to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That any officer who may have occasion to refrain any personal property of any defunct Constable or Collector by force of

any warrant of distress or execution issued by the Treasurer of the Commonwealth, or by the Treasurer of any county, town, district, plantation, parish or precinct, shall proceed in the sale of said personal property in the same manner such officer by law is obliged to proceed in serving executions upon judgments obtained by creditors against their debtors, where personal estate is taken for satisfying the same.

In the House of Representatives, February 2, 1792.

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

DAVID COBB, Speaker.

In Senate, February 3, 1792.

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

SAMUEL PHILLIPS, President.

Approved, JOHN HANCOCK.

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

COMMONWEALTH OF MASSACHUSETTS. In Senate, March 5, 1792.

WHEREAS a longer time is necessary for doing the business of the Supreme Judicial Court, at their next sessions in the counties of Worcester, York and Cumberland, than the present arrangement of said Courts will admit: Therefore

Resolved, That the Supreme Judicial Court which was by law to have been holden at Northampton, within and for the county of Hampshire, on the fourth Tuesday of April next, be, and the same hereby is adjourned to the first Tuesday of May next, then to be holden at Northampton aforesaid:—That the Supreme Judicial Court which was by law to have been holden at Barnstable, within and for the county of Barnstable, on the second Wednesday of May next, be, and hereby is adjourned to the third Wednesday of May, next, then to be holden at said Barnstable:—That the Supreme Judicial Court which was by law to have been holden at Plymouth, in and for the county of Plymouth, on the third Tuesday of May next, be, and the same hereby is adjourned to the fourth Tuesday of May next, then to be holden at said Plymouth:—That the Supreme Judicial Court which was by law to have been holden at Portland, within and for the county of Cumberland, on the Tuesday next following the fourth Tuesday of June next, be, and the same hereby is adjourned to the second Tuesday of July next, then to be holden at Portland aforesaid:—And that the Supreme Judicial Court, which was by law to have been holden at Pownalborough, within and for the county of Lincoln, on the second Tuesday next following the fourth Tuesday of June next, be, and the same hereby is adjourned to the fourth Tuesday of July next, then to be holden at Pownalborough, aforesaid.

And it is further Resolved, That all inquiries, indictments, recognizances, warrants, writs, executions and all other processes, and all matters and things taken or issued, or that may be taken or issued, which are or may be returnable to, or which by law would have had day in, and might have been proceeded and acted upon at said Courts respectively at said times, at which they were by law to have been holden as aforesaid, shall and may be returned to, and have day in, and be proceeded and acted upon, by said Courts respectively, at the times to which they are adjourned as aforesaid, in the same way and manner as they might & would have had day in, and been acted upon, at the times at which said Courts were to have been held as aforesaid.—And all warrants, writs, executions and other processes hereafter to be issued, returnable to said Courts, may be made returnable at the times to which they are respectively adjourned as aforesaid.—And all persons recognized or bound, or that may be recognized or bound,

for their appearance at either of said Courts at the times at which they were to have been holden as aforesaid, shall be held to appear at the times aforesaid, respectively, to the said Courts as hereby adjourned as aforesaid.

And it is further Resolved, That the Secretary be directed to cause this resolve to be published three weeks successively, in the Independent Chronicle, printed in Boston by Thomas Adams, in Weld's newspapers at Springfield, and in Titcomb and Ward's newspapers at Portland, and also that he send printed copies thereof forthwith, to the respective Sheriffs of the counties of Hampshire, Barnstable, Plymouth, Cumberland and Lincoln: And that said Sheriffs upon receipt thereof, be directed to cause the same to be posted up at the Court Houses in said Northampton, Barnstable, Plymouth, Portland and Pownalborough respectively, and such other places as they shall think proper.

Scnt down for concurrence, SAMUEL PHILLIPS, President.

In the House of Representatives, March 8, 1792.

Read and concurred, DAVID COBB, Speaker.

Approved, JOHN HANCOCK.

A true copy.—Attest, JOHN AVERY, jun. Secretary.

COMMONWEALTH OF MASSACHUSETTS. In Senate, Feb. 15, 1792.

ON the Memorial of JOHN LUCAS Esq. representing, that no person is at present appointed to give certificates to the invalid pensioners, belonging to this Commonwealth, and that without such Certificates, Penions cannot be drawn:

Resolved, That JOHN AVERY, jun. Esq. Secretary of this Commonwealth, be, and he hereby is authorized and directed, to give Certificates to such of the invalid Pensioners belonging to this Commonwealth, as are entitled thereto, and shall apply thereunto enable them to draw such Penions as have been granted to them respectively: And the Secretary is hereby directed to cause this resolve to be published in the Independent Chronicle, and in the several public Newspapers printed in the other parts of this Commonwealth, for the information of those concerned.

Sent down for concurrence, SAMUEL PHILLIPS, President.

In the House of Representatives, Feb. 18, 1792.

Read and concurred, DAVID COBB, Speaker.

By the Governor approved, Feb. 18, 1792.

JOHN HANCOCK.

A true copy.—Attest, JOHN AVERY, jun. Secretary.

120 Dollars Reward.

Stop Thief!

WITHIN a few days last past, were stolen from the subscribers the following Notes: Issued by the Treasurer of the Commonwealth of Massachusetts, No. 1872 Dec. 1, 1789, £. 72 15, payable to Phineas Lyman, No. 1879 Nov. 1, 1789, £. 36 4, payable to William Lyman, No. 1301 Dec. 1, 1789, £. 36 4, payable to Nathaniel Wright, No. 1067 Aug. 1, 1783, £. 28 16 Nov. 7, 1781, £. 100, payable to Deft. Samuel West. Whoever will apprehend and secure the THEIF, that he may be brought to justice, shall receive a reward of Twenty Dollars, and whoever will produce the above Notes, and return them to the subscriber, shall receive a reward of 100 Dollars, and all necessary charges.—Precaution having been taken to prevent their ever being received and paid by the Treasurer aforesaid:—All persons therefore are cautioned not to purchase the above Notes, or any one offering them for sale.

REEN WRIGHT, NATH. WRIGHT, BILDAD WRIGHT.

Northampton, Feb. 29, 1792.

B L A N K S, Of various kinds may be had at this Office.

AMPSHIRE GAZETTE.

WEDNESDAY, APRIL 4, 1792.

NORTHAMPTON, (MASSACHUSETTS) Published by WILLIAM BUTLER.

SECOND CONGRESS OF THE UNITED STATES AT THE FIRST SESSION, held at the City of Philadelphia, in the State of Pennsylvania, Monday the twenty-fourth of October, one thousand seven hundred and ninety-two.

ACT for making farther and more effectual Provision for the Protection of the Frontiers of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the battalion of artillery now in service, be completed according to the establishment of that the two regiments of infantry, now in service, completed to the number of nine hundred and sixty non-commissioned officers, privates and musicians each.

COMMONWEALTH OF MASSACHUSETTS. In Senate, Feb. 15, 1792.

Resolved, That JOHN AVERY, jun. Esq. Secretary of this Commonwealth, be, and he hereby is authorized and directed, to give Certificates to such of the invalid Pensioners belonging to this Commonwealth, as are entitled thereto, and shall apply thereunto enable them to draw such Penions as have been granted to them respectively: And the Secretary is hereby directed to cause this resolve to be published in the Independent Chronicle, and in the several public Newspapers printed in the other parts of this Commonwealth, for the information of those concerned.

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ens allowed to the infantry, light dragoons, and artillery, and included as privates, eight dollars. Matrons and nurses in the hospital, eight dollars.

And be it further enacted, That the rations of money in lieu thereof, for the commissioned non-commissioned officers, privates and musicians of the additional troops herein mentioned, shall be the same as described in the aforesaid act, entitled, "An Act for regulating the military establishment of the United States," in the Act passed in the third session of the first Congress, entitled, "An Act for raising and adding another regiment to the military establishment of the United States, and for making farther provision for the protection of the frontiers."

And be it further enacted, That the forage, to be allowed to the officers of the additional regiments authorized by this act, be the same as described by the acts before mentioned.

And be it further enacted, That the allowances of clothing for non-commissioned officers & privates of the infantry of the said three regiments, shall be the same, as by law established: that suitable clothing be provided for the cavalry, and adapted to the nature of the service, and conformed, as near as may be, to the value of the clothing allowed to the infantry and artillery.

And be it further enacted That all the commissioned and non-commissioned officers, privates and musicians of the said three regiments, shall take the same oaths, shall be governed by the same rules and regulations, and in cases of disabilities, shall receive the same compensation, as are described in the before mentioned act, entitled, "An Act for regulating the military establishment of the United States."

And be it further enacted, That it shall be lawful for the President of the United States, to forbear to raise, or discharge, after they shall be raised, the whole, or any part of the said additional regiments, in case he shall in his judgment, render it for doing consistent with the public safety.

And be it further enacted, That the President be, and he hereby is authorized, from time to time, to call into service, and for such periods as he may deem requisite, necessary for the protection of the frontiers: Provided, That the non-commissioned officers shall not be allowed more than one dollar per day, nor the privates more, than seventy-five cents per day; each person finding his horse, arms and accoutrements, and at his own expense, and twenty-five cents per day in lieu of rations and forage: Provided he furnish himself therewith.

And be it further enacted, That the President alone, be, and he hereby is authorized to appoint, for the cavalry so to be engaged, the proper commissioned officers, who shall not exceed in number and rank the proportions assigned to the said three regiments, and whose pay and other allowances shall not exceed, of fifty pay and other allowances than that of their chief, exceed those of officers of corresponding rank in the said regiment.

And be it further enacted, That the President of the United States be authorized, in case he shall deem the measure expedient, to employ such number of the Indians, and for such compensations, as he may think proper: Provided, The said compensation do not in the whole, exceed twenty thousand dollars.

JONATHAN TRUMBULL, Speaker of the House of Representatives.

JOHN ADAMS, Vice President of the United States, and President of the Senate.

Approved, March the 25th, 1792. GEORGE WASHINGTON, President of the United States.

Deposited among the rolls in the office of the Secretary of State. THOMAS JEFFERSON, Secretary of State.

COMMONWEALTH OF MASSACHUSETTS. In the year of our Lord one thousand seven hundred and ninety-two.

An Act providing for the payment of Costs in criminal Prosecutions, and for preventing unnecessary Coils therein.

WHEREAS the provision made by the act, entitled "An Act providing for the payment of costs in criminal suits" pass the twelfth of March, in the year of our Lord, one thousand seven hundred and eighty-three, and by several acts since passed in addition thereto, is still found to be insufficient: Therefore

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

the authority of the same, That the several acts aforesaid, be, and the same hereby are repealed.

And be it further enacted, That in all cases, wherein any costs have already arisen, or may hereafter arise in any criminal prosecution, commenced either before the Supreme Judicial Court, or Court of General Sessions of the Peace, in any county in this Commonwealth, the Court before whom such prosecution has been or may be commenced, (having cognizance of the offence) shall have power to allow and tax such costs for Justices, Officers and their Assistants, Jurors and Witnesses, and for Court and other charges, as have arisen or may arise upon such prosecution, and previous to its determination, not exceeding the fees that are or may be fixed by law, except in cases which are or may be otherwise provided for by law, and in which a discretionary power is or may be given to the Court, whether the person accused be brought to trial or not, or whether he be convicted or acquitted upon trial: And all such costs so taxed, shall be paid out of the county treasury: those costs which are taxed by the Court of General Sessions of the Peace to be charged to the county: And the Clerk of each of said Courts shall attest and deliver to the County Treasurer, copies of all bills of costs allowed by the Court, and certificates of all fines and forfeitures imposed, and accruing to the Commonwealth or to the county, either before the rising thereof, or as soon after as may be: And the Clerk of the Supreme Judicial Court, shall also deliver him a separate certificate of all the bills of costs allowed by the Court, setting down therein the sum total only of each for the purpose hereafter mentioned: and the Clerks of both said Courts shall also be held as is already provided by law, to return into the treasury of the Commonwealth, a certificate of all fines and forfeitures imposed to the use of the Commonwealth, by their respective Courts.

And be it further enacted, That all Sheriffs, Coroners and Constables, who may hereafter receive any fines, forfeitures or bills of cost, in pursuance of the judgement or sentence of either of said Courts, as well where such fines or forfeitures accrue to the Commonwealth, as where they accrue to the county, except debts and costs received upon executions in favor of the Commonwealth, shall forthwith pay the same to the Treasurer of the county in which they shall be received: And if any Sheriff or other Officer receiving such fine or forfeiture, or bills of cost, shall neglect to pay the same for the space of ten days after receipt thereof, he shall forfeit and pay double the amount of such fine or forfeiture, and bill of cost to such County Treasurer, who is hereby empowered and directed to sue for the same forthwith, to be recovered with costs, by action of debt in the Court of Common Pleas, in the same county; one third of said penalty to the use of such County Treasurer, the other two thirds to the use of the Commonwealth; and the same when recovered and received (if the fine or forfeiture unpaid accrue to the Commonwealth,) shall together with all other fines, forfeitures and costs accruing to the Commonwealth, by him received as above, be applied to the payment of bills of costs taxed in the Supreme Judicial Court, and certified to him as aforesaid; oth-

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