



Massachusetts. Laws, statutes, etc

Acts and Laws,

Passed by the GENERAL COURT
of Massachusetts :

Begun and held at Boston, in the County of Suffolk,
on Wednesday the thirty-first Day of May, Anno
Domini, 1786 ; and from thence continued, by
Prorogation, to Wednesday the twenty-seventh
Day of September following.

C H A P. I.

An Act confirming a Treaty made with the Penob-
scot Tribe of Indians.

WHEREAS by a resolve of the General Court of the sixth day
of July, in the present year, Benjamin Lincoln, Thomas Rice,
and Rufus Putnam, Esquires, were appointed Commissioners to
treat with the Penobscot tribe of Indians, respecting their claims to lands
on Penobscot-River : And whereas the said Commissioners did, on the
thirtieth day of August, in the present year, make report of an agreement
entered into, between them, the Commissioners, and the said Penobscot
tribe of Indians : which report is in the words following, viz.

It was agreed by the said Indians on their part, that they would
relinquish all their claims and interest to all the lands on the west
side

Preamble.

Treaty.

Any officer or
soldier, accused
of a crime pun-
ishable by the
known laws of
the land —

To be delivered
over to the civil
magistrate.

ART. *sixty-second.* Whenever any officer or foldier shall be ac-
cused of a capital crime, or of having used violence or committed
any offence against the person or property of the good people of
this or either of the United States, such as is punishable by the
known laws of the land, the commanding-officer and officers of
every regiment, troop or party, to which the person or persons so
accused shall belong, are hereby required upon application duly
made by or in behalf of the party or parties injured, to use his ut-
most endeavours to deliver over such accused person or persons to
the civil magistrate, and likewise to be aiding and assisting to the
officers of justice in apprehending and securing the person or per-
sons so accused, in order to bring them to trial. And if any com-
manding-officer or officers shall willfully neglect, or shall refuse
upon the application aforesaid, to deliver over such accused person
or persons to the civil magistrate, or to be aiding and assisting to
the officers of justice in apprehending such person or persons, such
officer or officers so offending, shall be cashiered.

[This act passed October 24, 1786.]

C H A P. VIII.

An Act to prevent Routs, Riots, and tumultuous
Assemblies, and the evil Consequences thereof.

Preamble.

W H E R E A S the provision already made by law, for the prevent-
ing Routs, Riots and tumultuous Assemblies, and the evil consequences
thereof, has been found insufficient :

Proclamation to
be made among
rioters.

*Be it therefore enacted by the Senate and House of Representatives, in
General Court assembled, and by the authority of the same, That from
and after the publication of this act, if any persons to the number
of twelve, or more, being armed with clubs; or other weapons ;
or if any number of persons, consisting of thirty or more, shall be
unlawfully, routously, riotously or tumultuously assembled, any
Justice of the Peace, Sheriff or Deputy-Sheriff of the county, or
Constable of the town, shall among the rioters, or as near to them
as he can safely come, command silence, while proclamation is
making ; and shall openly make proclamation, in these or the like
words :*

Commonwealth of *Massachusetts.*

Form.

B Y virtue of an Act of this Commonwealth, made and passed
in the year of our LORD, one thousand seven hundred and
eighty-six, entitled, “ An Act for suppressing routs, riots, and
tumultuous assemblies, and the evil consequences thereof,”
I am directed to charge and command, and I do accordingly
charge and command, all persons, being here assembled, im-
mediately to disperse themselves, and peaceably to depart to
their habitations, or to their lawful business, upon the pains
inflicted by the said Act.

GOD save the COMMONWEALTH.

And

And if such persons, assembled as aforesaid, shall not disperse themselves within one hour after proclamation made, or attempted to be made, as aforesaid, it shall be lawful for every such officer to command sufficient aid, and he shall seize such persons, who shall be had before a Justice of the Peace; and the aforesaid Justice of the Peace, Sheriff or Deputy-Sheriff, is hereby further empowered, to require the aid of a sufficient number of persons in arms, if any of the persons assembled as aforesaid shall appear armed: And if any such person or persons shall be killed or wounded, by reason of his or their resisting the persons endeavouring to disperse or seize them, the said Justice, Sheriff, Deputy-Sheriff, Constable and their Assistants, shall be indemnified and held guiltless.

If the persons assembled do not disperse, — officers empowered, &c.

And be it further enacted, That if any person, being commanded by such Justice, Sheriff, Deputy-Sheriff or Constable, as aforesaid, shall refuse or neglect to afford the assistance required, and shall be convicted thereof upon the oath of either of the said officers, so commanding, or other legal evidence, he shall forfeit and pay a sum not less than *forty shillings*, nor exceeding *ten pounds*, to be recovered by indictment, or presentment, before the Supreme Judicial Court, or any Court of General Sessions of the Peace, according to the aggravation of the offence; to be paid into the public treasury, for the use of the Commonwealth.

Penalty for refusing to assist the Sheriff or other officer.

And be it further enacted, That all persons, who for the space of one hour after proclamation made, or attempted to be made, as aforesaid, shall unlawfully, routously, riotously and tumultuously continue together, or shall willfully set, or hinder, any such officer, who shall be known, or shall openly declare himself to be such, from making the said proclamation, shall forfeit all their lands, tenements, goods and chattels, to this Commonwealth, or such part thereof as shall be adjudged by the Justices, before whom such offence shall be tried, to be applied towards the support of the government of this Commonwealth; and shall be whipt thirty-nine stripes on the naked back, at the public whipping-post, and suffer imprisonment for a term not exceeding twelve months, nor less than six months; and once every three months during the said imprisonment, receive the same number of stripes on the naked back, at the public whipping-post, as aforesaid. Any if any such person or persons, so riotously assembled, shall demolish or pull down, or begin to demolish or pull down, any dwelling-house, or other house, or parcel thereof; any house, built for public uses; any barn, mill, malt-house, store-house, shop or ship, he or they shall suffer the same pains and penalties, as are before provided in this act.

Punishment for unlawfully continuing together one hour after proclamation made.

Provided always, That where there shall appear any circumstances, to mitigate or alleviate any of the offences against this act, in the judgment of the Court, before which such offence shall be tried, it shall and may be lawful, for the Justices of such Court, to abate the whole of the punishment of whipping, or such part there-

Proviso.

of, as they shall judge proper; any thing in this act, to the contrary notwithstanding.

Times when this act shall be read.

And be it further enacted, That this act shall be read, at the opening of every Court of General Sessions of the Peace, by the Clerk of the said Court, and at the anniversary meeting of each town; within this Commonwealth, by the Town-Clerk thereof, in *March* or *April*, annually: And no person shall be prosecuted, for any offence contrary to this act, unless prosecution be commenced within twelve months after the offence committed.

[This act passed *October 28*, 1786.]

C H A P. IX

An Act, providing for the more easy Payment of the specie Taxes, assessed previous to the Year one Thousand seven Hundred and Eighty-four.

Preamble.

WHEREAS it appears from a statement of the Treasury, That there is a considerable sum in specie, due on the out-standing taxes; assessed previous to the year one thousand seven hundred and eighty-four: And whereas from the great scarcity of cash, it is expedient, that some more easy and convenient mode should be adopted; for the speedy completing the collections thereof, than the mode heretofore practised:

Towns, &c. that are deficient, permitted to pay the balances due, in the species of articles expressed.

Be it therefore enacted, by the Senate and House of Representatives, in General Court assembled; and by authority of the same, That the inhabitants of the several towns, districts, and other places, in this Commonwealth, who are deficient in the payment of the said taxes; be, and they are hereby permitted to pay all the balances due on the several specie taxes which were assessed previous to the year one thousand seven hundred and eighty-four, (including the balances which remained due on the beef taxes) either in cash; or in the several species of articles hereinafter expressed, in the manner, at the several places, and the prices hereinafter enumerated, and established at each,—to wit:

Articles received at the town of Boston:

At a store, or other convenient place, to be appointed in the town of *Boston*, the following articles, at the respective prices annexed thereto, viz.

Good merchantable beef, at twenty shillings per hundred.

Good barrelled beef, well salted and packed, according to law, at two pounds eight shillings per barrel.

Good merchantable pork, at four-pence per pound.

Good barrelled pork, in barrels of two hundred and twenty pounds each, well packed and salted, at three pounds fifteen shillings per barrel.

Good merchantable Indian corn, at four shillings per bushel.

Good merchantable wheat, at six shillings per bushel.

Good

Proviso.

Further proviso.

Clause respecting witnesses, when seizures are made.

Provided nevertheless, That the said acts, laying duties of Excise, shall continue and be in force, so far as to empower the Collectors to prosecute all past breaches of said acts, to settle the Excise accounts of all persons, up to the said last day of *December* next inclusively, to receive the Excises due, and also to receive the duty on carriages, and to take such process for the recovery of all duties, as tho' the said acts had not been repealed. *Provided also*, That an act, intituled "an act for repealing a law of this Commonwealth, intituled "an act imposing duties on licenced vellum, parchment and paper, and for imposing other duties on certain papers, commissions, instruments and processes," and another act in addition thereto, shall remain in full force and virtue.

Be it enacted, That when any seizures are made by any Naval-Officer, Collector of Impost or of Excise, or either of their Deputies, if it shall so happen, that any witnesses in the case, are bound to sea, or out of the county where the seizure is made, before the sitting of the Court, who are to try the cause, in every such case the deposition of any witness in writing, taken before any two Justices of the Peace, *quorum unus*, and sealed up and delivered into Court (the adverse party if known, and living within thirty miles of the place of caption, being notified thereof) shall be as sufficient evidence in law, as though such witness had been present in Court, at the time of trial, and had given his deposition *viva voce*; and when any person shall be summoned to give evidence before two Justices of the Peace, in manner aforesaid, and shall neglect or refuse to appear, the said Justices are hereby empowered and directed, to commit such person so refusing, to the common goal of the county, there to remain, till the sitting of the Court, before whom such seizure is to be tried, or until such person shall give his deposition before such Justices as aforesaid.

Excise on brown sugars, remitted to sugar-boilers.

Be it enacted, That the excise of *half a penny* on brown sugars, shall be remitted to all sugar-boilers, or refiners of sugar, upon such brown sugars as shall be by them refined and manufactured into loaf-sugar, within this State, and the sugar-refiners shall make oath to the quantity of brown sugars so manufactured and refined by them, when they settle their excise accounts, with the Collector of Excise.

And be it enacted, That this act shall take place and operate, on and after the first day of *January* next.

[This act passed *November 17, 1786.*]

B O S T O N :

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M, D C C, L X X X V I.