

the third Tuesday in *August*, until the First Day of *January* One Thousand Seven Hundred and Eighty-four; and after the said First Day of *January*, at *Lenox*, on the last Tuesday in *February*, the third Tuesday of *September*, and the third Tuesday of *December*.

*And be it further enacted by the Authority aforesaid*, That all Appeals, Writs, Recognizances, Warrants, and Complaints, and every other Thing that should or may be entered at, or returned to, any of the said Courts to be holden at the Times and Places heretofore appointed: And all Parties and Persons that by Law are or may be required or directed to appear or attend at the aforesaid Times and Places; and all Actions, Suits and Matters, that now are, or may be pending in the said Courts, shall be returned to, entered, appear, and attend, have Day, be tried and determined in the respective Courts, at the Times and Places established by this Act.

*March 10, 1783.*

## 1782. — Chapter 51.

[January Session, ch. 18.]

*Chap. 51* AN ACT IN ADDITION TO AN ACT PASSED THE EIGHTH DAY OF *NOVEMBER*, ONE THOUSAND SEVEN HUNDRED AND EIGHTYTWO, LAYING AN EXCISE ON CERTAIN ARTICLES THEREIN MENTIONED.

Preamble.

*Whereas no Provision is made in the said Act for the speedy Appointment of a Collector of Excise, in Case a Vacancy shall happen in the Recess of the General Court:*

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same*, That in Case of the Death, Resignation, Removal out of the State, or otherwise, or Non-acceptance of any Person appointed, or that shall be appointed Collector of Excise, in any of the Counties in this Commonwealth, in the Recess of the General Court, or at so late a Period in any Session of the same Court, that the Vacancy occasioned in any Manner as aforesaid shall not be supplied in the same Session thereof, the Governor, with the Advice of the Council, shall be, and hereby is authorized, and empowered to appoint a Collector of Excise for the County where such Vacancy shall happen; which Collector, being qualified as in the said Act is directed, shall continue in Office, and be vested with all the Powers and Privileges appertaining thereto, until the

In Case of  
Death, &c. of  
Persons  
appointed Col-  
lectors.

The Governor  
with the Advice  
of Council  
empowered to  
appoint.

said Collector shall be confirmed in his Office, or another shall be appointed by the General Court in his Stead. And any Collector appointed or chosen as aforesaid; and also any Collector who hath been, or shall be appointed or chosen in the Room of any other Collector removed or deceased, shall be, and hereby is empowered and authorized to demand and receive of the Executors and Administrators of any Collector who may be deceased or removed, and of the Deputies of the same, all official Bonds, Notes, Accounts, and other Papers, and give proper Discharges for the same, and to commence and prosecute an Action in his own Name, upon any Bond or other Security given to his Predecessor in Office, in the Capacity of Collector of Excise; and to demand, prosecute, sue for, recover and receive, any Duties that were due or Penalties incurred before his Appointment to the said Office; and to do and perform all Matters and Things whatever, which his said Predecessor could have done, had he continued in Office.

Collectors im-  
powered to  
demand.

*And be it enacted by the Authority aforesaid,* That the Master of any Vessel or Float, is hereby prohibited from taking on board such Vessel or Float, to transport from one Port to another within this Commonwealth, any dutied Articles, until he shall have received a Certificate from the Collector of Excise for the County where he shall receive the said dutied Articles, or his Deputy, specifying that the Duty is paid, or that Security is given for the Payment thereof, on those identical dutied Articles (naming them) which he has received on board such Vessel or Float: And all dutied Articles, brought from one Port to another within this State, in any such Vessel or Float, and for which the Master thereof does not produce, on his Arrival in such County or Port, a Certificate as aforesaid, to the Collector of the County, or Naval Officer of the Port or the Deputy of either of them, shall be forfeited; and the Master of such Vessel or Float, shall forfeit and pay a Fine equal to the Value of the Goods forfeited, to be sued for and recovered in any Court proper to try the same.

Masters of Ves-  
sels prohibited  
in the Transpor-  
tation of dutied  
Articles until

Dutied Articles  
brought from  
one Port to an-  
other in any Ves-  
sel the Master of  
which does not  
produce a cer-  
tificate to be for-  
feited.

*And whereas it is found to be very inconvenient for the Conductors of the dutied Articles brought into this State by Land, to lodge an Invoice thereof with a Town Clerk, or with a Selectman, on their first Entrance into this State, and to agree on the Value of the Goods in order to ascertain the Duty, and give Security for the same: And*

*whereas a long Detention and much Trouble and Expence is often incurred thereby: For the Remedy thereof,*

Conductors to  
proceed unmolested,  
proviso.

*Be it enacted by the Authority aforesaid, That every Conductor of dutied Articles brought into this State by Land, shall proceed unmolested to the Place where he is to deliver the said dutied Articles, provided he shall have made Oath before a Magistrate of the State from whence he shall bring the same, or before a Magistrate in this State on his first Entrance into it with the said dutied Articles, that he will not deliver the same, or any Part thereof, to the Owner or Consignee, or any other Person, until he shall have lodged a Manifest or Invoice, in Writing, with the Collector or his Deputy, for the County where the said Articles are to be delivered, and obtained his Permission for the Delivery thereof. And every Conductor of such dutied Goods producing a Certificate from a Magistrate as aforesaid, specifying such Oath, shall pass unmolested to the Place mentioned in such Certificate; any Law heretofore made to the contrary notwithstanding.*

Proviso.

*Provided nevertheless, That every Conductor of dutied Goods, who shall not comply with this Act, shall be subjected to the Requirements of the Act, in Addition to which this Act is made, and suffer the Penalties thereof in Case of Failure; any Thing herein to the contrary notwithstanding.*

*And whereas every Evasion of the Duties imposed by the said Act, must operate injuriously to the fair Trader, as well as the public Revenue:*

Collectors &  
Naval Officers  
empowered —

*Therefore be it further enacted by the Authority aforesaid, That the Collectors of Excise and Naval Officers, and their respective Deputies, or either of them, be, and they hereby are individually authorised and empowered to seize any dutied Liquors and Teas, whenever imported, and any other dutied Articles imported since the tenth Day of December last, that shall be sold or offered for Sale, or that shall be found on board any Vessel or Float, (except on board the Vessel or Float in which the said dutied Articles were brought into this State) or that shall be found on any Land Conveyance, or in any Store, Building or other Place whatever, before the Duty shall be paid, or Security given to the Collector or his Deputy for the Payment thereof, agreeable to Law. And whenever any dutied Articles shall be seized as aforesaid, if the Claimer or Claimers shall not make it appear on*

Trial that the Duty was paid, or Security given as aforesaid, for the Payment thereof, before the Seizure was made as aforesaid, the said Goods shall be adjudged to be forfeited.

*And be it further enacted,* That when any Person shall give Information on Oath, and shall lodge the same, in Writing, with the Collector or Naval Officer, or either of their respective Deputies, that he has just Cause to suspect that dutied Goods have been taken out of any particular Vessel or Float, contrary to Law, and put into any other particular Vessel or Float, Store, Building or Place whatever, such Collector, Naval Officer, or Deputy, is hereby authorised to enter, with proper Assistance, in the Day Time, into such Vessel or Float, Store, Building, or Place (Dwelling Houses excepted) and there to search for the said Goods; and if he shall find any dutied Goods in such Search, to seize and secure the same for Trial; and the dutied Goods seized and secured as aforesaid, shall be adjudged forfeited, except those identical Goods which, on Trial, shall be proved were not taken from such Vessel or Float, Store, Building or Place, in the Manner specified in the said Information. And any Person giving Information as aforesaid, shall, on the Condemnation of the Goods, receive *Twenty-five per Cent.* of the net Proceeds. The Collector, Naval Officer or Deputy, making the Seizure, shall receive *Twenty-five per Cent.* and the Remainder shall be paid into the public Treasury, and be applied solely for the Purposes prescribed in the said Act.

Persons to give Information on Oath.

And in Case.

To receive 25 per Cent. on Condemnation.

Collectors, &c. making Seizure to receive 25 per Cent.

*Provided nevertheless, and be it enacted by the Authority aforesaid,* That when any Person shall have just Cause to suspect that dutied Goods have been brought into this Commonwealth, and put into any Dwelling House, the Duties thereon not being paid, or Security not being given for the Payment thereof, and give satisfactory Information thereof, on Oath, to any Justice of the Peace of the same County, such Justice may, and he is hereby authorised, to issue his Warrant, directed to the Collector of Excise of the same County, or either of his Deputies, therein especially named, commanding him to take with him the Sheriff of the County, or either of his Deputies, or any Constable of the Town where such House is, and in the Day Time, to enter such Dwelling House, and there to search for said Goods; and if he shall find any dutied Goods in such Search, to seize and secure the same for

Proviso.

Trial; and the like Forfeitures shall be adjudged, and Proceedings thereon had, as aforesaid. And the said Sheriff or his Deputy, or Constable, is hereby authorised and required, to aid and assist the said Collector or his Deputy in making such Search, and to take with him proper Assistance.

Goods seized within the Counties of Hampshire, &c. to be libelled.

*And be it further enacted*, That all Goods which may at any Time be seized within either of the Counties of *Hampshire, Worcester or Berkshire*, on Suspicion of being *British Goods* illegally imported, or that shall be seized on Account of the Duties not being paid, or Security not being given for the Payment thereof, shall be libelled before the Justices of the Courts of General Sessions of the Peace for and within the said Counties respectively: And the Causes shall be tried by a Jury of the said Counties respectively; and an Appeal shall be allowed to the Libellant or Claimant, from the Judgment of any of the said Courts of General Sessions of the Peace, to the Supreme Judicial Court, as in other Cases; any Law or Usage to the contrary notwithstanding.

Causes to be tried by a Jury.  
An Appeal allowed.

*And whereas Doubts have arisen whether any Duty or Excise is payable on clayed, powdered and other Sugars, not particularly mentioned in the said Act:*

Duty to be paid on all Sugars.

*Be it therefore enacted by the Authority aforesaid*, That the same Duty or Excise, shall be paid on all Kinds of Sugars, not particularly enumerated in the said Act, as is therein directed and required to be paid on Brown Sugars, Loaf Sugar, and Sugar the Produce of this Commonwealth only excepted.

Cutlery ware included in Wrought Iron, &c.

*And be it further enacted by the Authority aforesaid*, That every Kind of Cutlery Ware is to be understood as included in wrought Iron and Steel Ware, mentioned in the said Act.

Collectors empowered to appoint Deputies.

*And be it enacted*, That the Collectors of Excise be, and they are hereby empowered to appoint Deputies for the Purpose of receiving Information, making Searches and Seizures, and for libelling the Goods seized, and prosecuting the same to final Judgment, without applying to the Governor and Council for their Approbation; any Law to the contrary notwithstanding.

Actions bro't against Naval Officers, &c. the Defendants may plead the General Issue.

*And be it further enacted*, That in all Actions brought against any Naval Officer or Collector of Excise, or any Deputy of either of them, or any other Person acting under their Direction, in the Execution of their respective Offices, the Defendant or Defendants may plead the Gen-

eral issue, and give any special Matters in Evidence under the same.

*And whereas there is contained in a certain Paragraph of the said Act, the following Clause: — “ Provided nevertheless, That when any Goods shall have been seized on Account of the Conductor thereof having neglected to give in a Manifest of the Packages containing such Goods, on his first Arrival into this State by Land, or to give Security for the Payment of the Duties on all dutied Articles therein contained, as is hereinbefore required, if such Conductor shall declare, on Oath, that he knew nothing of this Act, and shall readily, when required give in such Manifest, and Security for the Payment of the Duties on all the dutied Articles which may be found in those Packages; that then, and in every such Case, the Goods so seized, shall not be subject to Forfeiture; but they shall be again restored to such Conductor, and he be permitted to depart therewith.” And it is found inexpedient that the Provision made in the said Clause should be any longer continued:*

*Be it therefore enacted by the Authority aforesaid, That the said Clause be and hereby is, repealed and rendered null and void.* Clause repealed.  
*March 10, 1783.*

## 1782. — Chapter 52.

[January Session, ch. 19.]

AN ACT FOR ERECTING CERTAIN LANDS, HEREAFTER DESCRIBED, INTO A TOWN, BY THE NAME OF MIDDLEFIELD; AND ANNEXING THE WHOLE TO THE COUNTY OF HAMPSHIRE. *Chap. 52*

*Whereas the Inhabitants of the South-west Corner of Worthington, in the County of Hampshire, and the North-west Corner of Murrayfield, (now Chester) in the said County, and the North-east Corner of Becket, the South Side of Patridgefield, a Part of Washington, and the Inhabitants of Prescott's Grant, (so called) all in the County of Berkshire, have represented to this Court the great Difficulties and Inconveniences they labour under in their present Situation; and have requested that they may be incorporated into a Town:* Preamble.

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the Authority of the same, That the said South-west Corner* Boundaries.