

thereof; and having lately returned to reside in the said metropolis, and soon expecting his said wife and children, he and they ought to be declared free citizens of the said Commonwealth: Therefore

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the said John Gardiner, Margaret Gardiner, John Silvester John Gardiner, and William Gardiner, are hereby declared to be, and they are, free citizens of this Commonwealth; and as such are, and hereafter shall be, considered, acknowledged and known, to all intents and purposes whatsoever, and intitled to all the privileges and immunities of free citizens to all intents and purposes, in as ample a manner as if they had been inhabitants in, and citizens of, the Commonwealth at the time of forming of the constitution of the same.

February 13, 1784.

1783. — Chapter 29.

[January Session, ch. 6.]

Chap. 29

AN ACT FOR REGULATING THE MARKET IN BOSTON.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the lower floor of Faneuil Hall, and the land around the same, bounded and described as follows, viz.: all that parcel of land lying on each side of Faneuil Hall, from Borland's store westerly to Gill's store; from Gill's store southerly on a curve line to the watch house; southerly across the street to Col. Jackson's corner; from thence continuing southerly to the corner of a house now improved by Thomas Beals; then easterly to a store formerly called Brattle's store; and from the said store northerly to the first mentioned bounds; as the same is now improved for market use, reserving for public use the streets leading through the said market square for public passing as usual; be, and they hereby are, set apart as markets for meats, vegetables and grain.

And be it further enacted by the authority aforesaid, That if any person bringing meats, vegetables or grain, to market or for sale in the town of Boston, shall be found in any other public place or street within the town aforesaid, with his or her team, cart, sled, slay, waggon or horse, with meat, vegetables or grain, waiting to market

Intitling John Gardiner, Esq; & his family, to the privileges and immunities of free citizens.

Boundaries.

Persons bringing provisions to market found in any other place in the town, unless—

or sell the same (unless while he or she shall be stopt by some person or persons offering to purchase such meat, vegetables or grain, or some part thereof) or detained by some accident, or shall leave his or her team, cart, sled, slay, waggon or horse, with such meat, vegetables or grain in any street or public place as aforesaid, for more than the space of one half of an hour, he or she so offending, shall forfeit and pay the sum of two shillings for every such offence. Penalty.

And be it further enacted by the authority aforesaid, That *Common Street*, so called, extending from the north end of the common burying place on the west side of the said street, to the south end of the common, or such other place that the town of *Boston* shall judge most convenient, if approved of by the Court of General Sessions for the county of *Suffolk*, together with the *Old North Square*, so called, be, and are, hereby set apart for a Hay, Wood and Lumber Market, where all persons bringing Hay, Wood, Barrels, Hoops, Staves, Boards, or any sort of Lumber, to market, or for sale, within the town of *Boston*, shall repair. Common Street and Old North Square set apart for Hay, Wood, Barrels, &c.

And if any person bringing either of the said articles to market, or for sale, shall be found in any other public place or street within the town, with his or her team, cart, sled, slay, or waggon, with Hay, Wood, Barrels, Hoops, Staves, Boards, or any sort of Lumber, waiting to market or sell the same, (unless while he or she shall be stopt by some person or persons offering to purchase such Hay, Wood, Barrels, Hoops, Staves and Boards, &c. or some part thereof) or detained by some accident, or shall leave his or her team, cart, sled, slay or waggon, with such Hay, Wood, Barrels, Hoops, Staves, Boards or Lumber, in any street, or public place, except the place assigned by this act, for more than the space of one half of an hour, he or she so offending, shall forfeit and pay the sum of three shillings for every such offence. Persons found in any other place or street.

And be it further enacted by the authority aforesaid, That it shall be the duty of each of the Constables, Grand Jurors, and Tything Men of the said town of *Boston*, to complain to some Justice of the Peace living within the said town, for every offence committed against this act, in their presence; and the above fines and forfeitures shall be recovered on the complaint of any person, made to any one of the Justices of the Peace residing in the town of *Boston*, and shall be paid into the treasury of the said Unless.

Penalty.

By whom complaint is to be made.

Fines how recovered.

town, and applied to defray the charges of cleaning the streets there, and for keeping the markets clear of mire and filth.

February 18, 1784.

1783. — Chapter 30.

[January Session, ch. 7.]

Chap. 30 AN ACT FOR APPORTIONING AND ESTABLISHING THE POSSESSIONS OF THE HEIRS AT LAW OF RICHARD KENT, SON OF RICHARD KENT, LATE OF NEWBURY, DECEASED, TO A CERTAIN ISLAND CALLED KENT'S ISLAND, IN NEWBURY AFORESAID.

Preamble.

Whereas the said Richard Kent, the father, by his last will and testament, bearing date the sixth day of May, in the year of our Lord, One thousand seven hundred and forty, among other things did devise, That his son Richard abovesaid, should have and enjoy the whole of the island abovesaid, during his natural life, and after his decease, that his eldest son should have and enjoy the same as an estate, tail to him and the heirs male of his body forever, which said last will and testament was afterward duly proved and approved; and the said Richard the son, on the death of his father, entered into possession of the premises devised as aforesaid, and thereof died seized, leaving issue, Stephen Kent and Joseph Kent, twin brothers, and Moses Kent, a younger brother, his sole heirs, and thereupon the said Joseph and Stephen entered into the possession thereof, and still hold the same; and by reason of some singular and extraordinary circumstances attending the birth of the said Stephen and Joseph, it remains wholly uncertain which is the eldest son, altho' a suit at law and the verdicts of two juries have been had to determine the question: By which uncertainty great difficulty and contention may further happen among the heirs of the same Richard; to the utter ruin of the improvements and cultivation of so valuable an island, and to the disquiet of divers other good citizens: For preventing of which,

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Justices of the Supreme Judicial Court, on the application of the said Joseph, Stephen and Moses, or on the application of either of them, his or their heirs, shall cause partition of the said island to be made; and by like process as is prescribed for dividing of other real estates, on application to the said court, one third part of

Justices of the Supreme Judicial Court, to cause a partition of Kent's island.