

1787. — Chapter 31.

[October Session, ch. 16.]

AN ACT MAKING PROVISION FOR THE BUILDING AND MAINTAINING LIGHT HOUSES ON THE SEA COAST OF THIS COMMONWEALTH, AND FOR REPEALING ALL LAWS HERETOFORE MADE FOR THAT PURPOSE.

Chap. 31

Be it Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that there shall be paid by the Master or owner of any Vessel not employed in the Coasting or fishing business, from and after the first day of *January* next, into the hands of the Naval Officer where any Vessel shall clear out for any port not in this Commonwealth, previous to the clearing of the said Vessel, a duty of *two pence and one half of a penny*, per ton, to be computed agreeable to the rules of Carpenters measurement.

Tonnage duty to be paid to the naval-officer, previous to the clearing of any vessel.

And be it Enacted by the Authority aforesaid, that from and after the said first day of *January* next, the Master or Owner of any fishing or Coasting Vessel, of thirty tons or upwards, shall every six months pay unto the Naval Officer of the port where such Master or Owner may reside, a duty at the rate of *five pence* per annum, for each ton the said Vessel may measure, agreeably to the rules aforesaid; and if the Master or Owner of any such Coasting or fishing Vessel, shall refuse to pay as aforesaid, the said Naval Officer is hereby empowered and directed, within thirty days after such payment may become due, to sue for and recover the same, in any Court proper to try the same.

A duty at the rate of 5d. per annum, a ton, to be paid by the master or owner of every fishing vessel.

Provided nevertheless, that when any such Coasting or fishing Vessel may be employed in any voyages, other than coasting or fishing, so much of the annual duty shall be allowed by the said Naval Officer, as shall be in proportion to the time they may have thus been employed.

Proviso.

And be it further Enacted by the Authority aforesaid, that from and after the first day of *January* next, there shall be paid by the Master or Owner of any Vessel not wholly owned by some Citizen or Citizens of any of the United States, on an entry being made thereof at any Naval Office within this Commonwealth, *One shilling* for each and every ton, Carpenters measure, which the Vessel may measure, and no more.

A duty of 1s. per ton, on vessels not wholly owned by citizens of any of the United States.

Master or owner of every vessel, shall enter, upon their arrival, the full tonnage thereof.

And be it further Enacted by the Authority aforesaid, that the Master, or Owner of every Vessel, chargeable with the duties of Light money as aforesaid, shall upon her arrival in any port in this Commonwealth, enter with the Naval Officer of the port where the said Vessel may arrive, the full tonnage thereof, agreeably to the rules of Carpenters measurement; and the Naval Officer shall calculate the duties on such Vessel agreeably to such entry, unless he shall have any reason to believe that the said Master or Owner has made a short entry of her tonnage, in which case the said Naval Officer shall, and he is hereby impowered and directed, to cause the said Vessel to be measured by the rules of Carpenters measurement, and if the said Vessel shall be found to measure more tons than she is entered for, then, & in that case, the Owner or Master who entered the said Vessel, shall pay *three shillings* per ton, for each and every ton, she shall be entered short of her real measurement: & the said Naval Officers are hereby directed to give a Certificate to each person for the receipt of the duties by him paid as required by this Act.

Two per cent. allowed the naval officer.

And be it further Enacted by the authority aforesaid, that each Naval Officer shall be allowed *two per cent.* out of the duties he may collect as aforesaid, and the remainder thereof he shall every three months pay unto the Treasurer of this Commonwealth, & once in every year shall render unto the Treasurer aforesaid an account on oath of the monies so received, & make a settlement of the same; and the said Naval Officers shall each of them give bond to the Treasurer aforesaid, in the sum of *one thousand pounds*, for the faithful performance of the services required of them by this Act.

Remainder shall be paid to the Treasurer.

Naval officers shall give bond.

Duties arising, how appropriated.

And be it further Enacted by the authority aforesaid, that all monies arising from the aforesaid duties, shall be appropriated to, & kept in the Treasury, for the purpose of building, supporting, & maintaining the Light houses on the sea Coast of this Commonwealth, and no other, and that the same be drawn out of the Treasury for that purpose, by Warrant under the hand of the Governor, with the advice and consent of Council, as often as occasion may require; and the Treasurer is hereby directed once in every year, to lay before the General Court an account of the monies received for the said duties, with the expenditure of the same.

Treasurer shall lay an account before the General Court once in every year.

And be it further enacted by the authority aforesaid, that the persons, who are or may be appointed from time to time, to be Keepers of the Light houses on the sea Coast of this Commonwealth, shall carefully & diligently attend their duty at all times, in kindling & keeping burning the lights, from sun setting to sun rising, and placing them so as they may be most seen by Vessels coming in or going out; and upon conviction of neglect of their duty before the Court of General Sessions of the Peace within the County, shall be liable to be fined according to the degree or circumstance of the offence, not exceeding *one hundred pounds*, one third part thereof to the use of this Commonwealth, and the other two thirds to the person or persons who shall inform of such neglect; and shall be also liable to an action of damage brought by any person, who may suffer by such neglect, to be recovered in any Court proper to try the same.

Duty of Light House Keepers.

Penalty for neglect.

And be it further Enacted by the authority aforesaid, that from & after the first day of *January*, in the year of Our Lord One thousand seven hundred and Eighty eight, all the Acts heretofore made for the purpose of supporting & maintaining the Light houses on the sea Coast of this Commonwealth, shall cease to be of any force or validity, excepting for the recovery of any penalties, forfeitures or sums due, that have arisen by Virtue of either of the said Acts.

Laws heretofore made, repealed.

November 21, 1787.

1787. — Chapter 32.

[October Session, ch. 17.]

AN ACT AUTHORIZING THE JUSTICES OF THE SUPREME JUDICIAL COURT, TO LICENCE THE SALE OF REAL ESTATE BY MARRIED WOMEN IN CERTAIN CASES, AND FOR OTHER PURPOSES IN THE ACT MENTIONED.

Chap. 32

Whereas it sometimes happens, that husbands absent themselves from this Commonwealth, & abandon their wives, not making sufficient provision for their support, who may be thereby reduced to great distress, not being able to make any valid contracts, or dispose of any estate of their own: For remedy whereof,

Preamble.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, that in all such cases where any married man has heretofore, or may hereafter absent himself from this

Justices empowered to licence the sale