

And that it may be known at any time, who of the Inhabitants of the said Town belong to the said Parish :

What inhabitants shall be deemed to belong to said society.

Be it enacted by the authority aforesaid, that all those inhabitants of the said town of *New Salem*, who usually attend public worship, with the aforesaid society, with whom the Reverend, *Joel Foster* now officiates, shall be deemed and taken to belong to the said Parish, to all intents and purposes, until they shall signify in writing under their hands to the Clerk of the said Town, their intention to attend public worship with some other religious Society.

Proviso.

Provided nevertheless, that all Parishoners so removing, shall signify the same as above, within two years from the date of this Act ; and shall be held to pay all arrears of taxes legally assessed on them by the said Parish before their removal.

Daniel Shaw, Esq. to call a meeting.

And be it further enacted by the authority aforesaid, that *Daniel Shaw*, Esquire be, & hereby is authorized and directed to issue his warrant within two months from the passing this Act, directed to some principal inhabitant belonging to the said Parish, requiring him to give notice to the inhabitants of the Parish aforesaid, qualified to vote in Parish affairs, to assemble at some suitable time and place in the said Parish, to choose all such Officers as Parishes are by Law required to choose annually, and to transact such other matters and business, as is necessary to be done in the said Parish. *March 18, 1788.*

1787. — Chapter 42.

[February Session, ch. 10.]

Chap. 42 AN ACT IN ADDITION TO AND FOR EXPLAINING AN ACT PASSED IN THE YEAR OF OUR LORD, ONE THOUSAND SEVEN HUNDRED AND EIGHTY SEVEN, INTITLED, "AN ACT FOR REGULATING THE PROCEEDINGS ON PROBATE BONDS, IN THE COURTS OF COMMON LAW; AND DIRECTING THEIR FORM IN THE SUPREME COURT OF PROBATE."

Preamble.

Whereas it is required by the aforesaid Act, that Guardians shall give bond to the Judge of Probate, with sufficient sureties for the faithful discharge of their trust; and in order to carry into effect the good purposes thereof, it is sufficient that such sureties shall be liable to satisfy the judgment which may be rendered upon such bond, so far only as the estate of the Guardian shall prove deficient, and it is unreasonable that sureties shall be compelled to satisfy

executions awarded upon judgments rendered upon such bonds, so long as the principal hath estate to satisfy the same, and it may tend to the great inconvenience of Guardians to procure sureties, and also to multiply law suits: Therefore

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, that when any such bond shall be put in suit against any person as surety for a Guardian, and the Guardian shall not be a party to the suit, or that no service shall be made upon him, the surety who may be defendant, shall have a right at the Supreme Judicial Court to which the cause may be carried, to demand oyer of the bond sued; and upon the motion of the defendant the said Court shall order a notification to be issued (attested by the Clerk, and returnable to the said Court at the next term to be holden in the same County) to the Guardian, and if the defendant shall desire it, to the other surety, who hath subscribed the bond, to appear at the said Court, and to join with the said defendant in answering the said action, and the cause shall be continued to the next term of the said Court, to be holden in the same County, and if it shall appear by the return of the Sheriff or other proper Officer, that the person or persons, for whom the said notification was directed to issue, hath or have been duly served with an attested copy of the writ, and the notification, or otherwise by reading the same, fourteen days at least before the sitting of the Court to which the same is returnable, the person or persons so notified, shall be considered as defendant or defendants, and the same proceedings and judgment shall be had thereon, as though the said person or persons so notified, had been originally named in the writ and duly served therewith.

And be it further enacted, that when execution shall be awarded upon any judgment which may be hereafter rendered upon such bond against a Guardian and his sureties, it shall be expressed in every such execution, that

is Guardian & are sureties. And

it shall be lawful for such surety or sureties to shew to the Officer who may have the execution, any estate which may be lawfully taken belonging to such Guardian, to satisfy the same, in whole or in part; and in such cases the sureties shall not be chargeable with the payment of such

When bonds shall be put in suit against any person as surety for a guardian, &c.—proceedings in such cases.

Manner of proceeding, when execution shall be awarded.

execution, unless the estate of the Guardian so shewn shall prove insufficient; and then only for the residue or sum which shall be deficient.

And in order that the estates of the said sureties may be held finally to respond the judgment as aforesaid:

Attachments —
how long to
continue in
force.

Be it further enacted, That all attachments upon the estates of such surety or sureties shall continue in force for the term of six months after judgment shall be rendered, unless the said judgment shall be sooner satisfied.

Sureties shall
not be held to
answer for fail-
ure in guardians
after the expira-
tion of the term
of their trust,
&c.

And whereas it is reasonable that sureties should not be held to answer for such Guardians for failure in their trust, after the expiration of the term of their trust, & of a convenient time for the adjustment and recovery of the sums due upon such bonds: Therefore

Be it further enacted, that no surety shall be held to answer to any action which shall be commenced against him, after the expiration of the term of two years from the time that the minor under the custody of such Guardian shall have arrived to full age, or that the term of such Guardianship shall have otherwise expired.

Proviso.

Provided nevertheless, and be it further enacted by the authority aforesaid, that in all cases where it shall be made to appear to the satisfaction of the Judge of Probate, that any such minor or minors are out of the Commonwealth at the time they shall arrive to the age of twenty one years; having no lawful agent or attorney to represent him or them (as the case may be) in every such case the Guardian or Guardians of such minors shall not be held to settle their accounts within the time limited by this Act, and the Judge of Probate is hereby empowered to allow such further time for settling the said accounts as he shall judge circumstances may require.

March 18, 1788.

1787. — Chapter 43.

[February Session, ch. 12.]

Chap. 43 AN ACT FOR INCORPORATING THE PLANTATION OF NEW WORCESTER, SO CALLED, OR No. 9, IN THE COUNTY OF LINCOLN, INTO A TOWN BY THE NAME OF ORRINGTON.

Preamble.

Whereas the inhabitants of New Worcester, have represented to the General Court, that they labor under many inconveniences in their Present unincorporated state, and are desirous of being incorporated into a Town.