

estates held in trust, or the property of married women, shall be paid to the trustees of such estates so held in trust, and the husbands of such married women if such married women shall thereto consent in writing, and if not, then to trustee or trustees to be appointed by the Supreme Judicial Court, at any term thereof, on application of any such married woman, in trust to hold and invest the same, and pay over the income thereof, to the husband of such married woman, so long as he would have been entitled to the use and possession of said estate, and then to pay over the principal to such person or persons as would have been intitled to have said estate, if the same had not been taken by the provisions of this Act, with such securities, limitations and restrictions as said Court shall, on such application direct. And the damages awarded to unsettled estates of deceased persons, or minors, or persons non-compos shall be subject to the same disposition which is now by law provided for the surplus arising from the sales of real estate by administrators and guardians, under the order of Court.

Disposition of
damages.

[Approved by the Governor, February 21st, 1824.]

CHAP. CXLVIII.

An Act for the better regulation of Gaols, and the prisoners therein.

SEC. 1. **BE** it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Gaol Keeper of each Gaol in said Commonwealth, shall furnish necessary fuel for all prisoners unable to support themselves, and confined in his respective gaol upon charge or conviction of crimes or offences against said Commonwealth, or on mesne process or execu-

Goaler to furnish
fuel.

tion, at the expense of the County where said gaol may be situated, and the charges therefor, shall be allowed in manner following: Said gaol keeper shall render on oath to the Court of Sessions of the County an account of the charges incurred by him for said fuel, and said Court shall make a reasonable allowance therefor to said gaol keeper, to be paid out of the County Treasury.

Manner of charging.

SEC. 2. *Be it further enacted*, That whenever the Court of Sessions, or Mayor and Aldermen of the City of Boston, in their respective Counties, shall order and direct what specific rations or articles of food, soap, fuel or other necessaries shall be furnished for the prisoners confined in any such gaol by the keeper thereof, and said gaol keeper shall neglect or refuse to furnish the same accordingly, or if said gaol keeper shall give, sell or deliver, or shall knowingly suffer to be given, sold or delivered to any person who is committed to gaol, on mesne process or execution, and who is supported by his or her creditors, or to any other person for the use of said prisoner, any spirituous liquor, unless the Physician who is authorized to attend upon the sick in such prison, shall certify in writing, that the health of such prisoner requires it, in which case he shall be allowed the quantity prescribed, and no more; said gaol keeper shall, for committing either of the offences, the first time, forfeit the sum of twenty-five dollars, to be recovered in an action of debt, by any person who will sue for the same, for his own use, in any Court of Common Pleas, in said County, or by indictment in said Court, in which last case the forfeiture shall be for the use of the County. And for committing either of said offences the second time, said gaol keeper shall forfeit the sum of fifty dollars, to be recovered in the manner and to the uses aforesaid, and shall also be removed from his office, and be rendered and become incapable of holding the office of Sheriff, Deputy Sheriff or Gaoler for the term of five years.

Rations to be ordered.

spirituous liquors forbid.

Penalty.

Gaol Police.

SEC. 3. *Be it further enacted,* That if any person confined in gaol, upon charge or conviction of crimes or offences against said Commonwealth, shall be unruly or disorderly, or shall wantonly break, injure or destroy any article of bedding, furniture or the windows of said gaol, it shall be lawful for the Sheriff of the County where said gaol may be, after due inquiry into the circumstances of the case, to order such prisoner to be kept in solitary imprisonment in the most retired and solitary part of said gaol; and during such solitary imprisonment, the said prisoner shall be fed with bread and water only, unless other food be necessary for the preservation of his or her life; provided such solitary imprisonment shall not be for a longer time than ten days for every such offence. And if any person confined on mesne process, or execution, in any such gaol, shall be guilty of either of said offences in this section mentioned, and be convicted thereof before any Justice of the Peace in said County, or before the Police Court of the City of Boston, in the County of Suffolk, on complaint made by the keeper of said gaol, said Justice or Police Court, may order the same punishment of solitary confinement, and bread and water, and for a time not exceeding five days for any one offence, to be inflicted on said last mentioned prisoner as is above provided against said offences; but nothing herein contained shall be construed to take from the keeper of any gaol or prison the authority which is now by law vested in him to preserve order therein, and strict discipline among the prisoners.

No person to deliver spirituous liquors to prisoners.

SEC. 4. *Be it further enacted,* That if any person shall have in his possession any spirituous liquor within the precincts of any gaol, house of correction, or prison in said Commonwealth, with an intent to convey or deliver the same without the consent of the gaol keeper of said gaol, master of such house of correction, or keeper of such prison, to any prisoner confined in any gaol, house of correction, or prison, within said Commonwealth, he shall forfeit and pay

for each offence, a sum not less than five nor more than ten dollars, with costs of prosecution, to be recovered by complaint to any Justice of the Peace for the same County, or the Police Court of the City of Boston, in the County of Suffolk, one moiety thereof to him who shall prosecute for the same, and the other moiety to the use of the Commonwealth.

[Approved by the Governor, February 21st, 1824.]

CHAP. CXLIX.

An Act regulating the storage of Gunpowder.

SEC. 1. **BE** *it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this, it shall be lawful for the inhabitants of each town in this Commonwealth, at any of their legal town meetings, to order and direct that no gunpowder above the quantity of fifty pounds, shall be kept or deposited in any shop, store, or other building, which shall be within the distance of twenty-five rods from any other building—and the inhabitants of each town aforesaid may also order and direct at their legal town meetings, respectively, that no gunpowder shall be kept at any place within the limits of such town, unless the same be well secured in tight casks or cannisters.

Quantity to be kept.

SEC. 2. *Be it further enacted,* That upon complaint made by either of the Selectmen of any town aforesaid to either of the Justices of the Peace within the County in which said town is situated, in which complaint is set forth by such Selectman, that he has good cause to suspect and does suspect that gunpowder is deposited and kept within the limits of his town contrary to the provisions of this act, such Justice of the Peace may be and he is hereby authorized to issue his warrant, directed to either of the constables with-

Complaint of Selectmen.