

or otherwise unavoidably hindered attending upon the business for which they were summoned, it shall be lawful for the said commissioners, or any two of them, to fill up and compleat the said jury with other persons, not being inhabitants of the town of Boston. [*Passed April 21, 1761.*]

CHAPTER 33.

AN ACT FOR DIVIDING THE COUNTY OF HAMPSHIRE, AND FOR ERECTING AND ESTABLISHING A NEW COUNTY IN THE WESTERLY PART OF THE COUNTY OF HAMPSHIRE, TO BE CALLED THE COUNTY OF BERKSHIRE, AND FOR ESTABLISHING COURTS OF JUSTICE WITHIN THE SAME.

Preamble.
9 Gray, 512.

WHEREAS the great extent of the county of Hampshire makes it convenient, and necessary, that there should be a new county erected and established in the westerly part thereof,—

Be it therefore enacted by the Governo[u]r, Council and House of Representatives,

Lands com-
prised in the
county of
Berkshire.

[SECT. 1.] That the towns and plantations hereinafter mentioned; that is to say, Sheffield, Stockbridge, Egremont, New Marlborough, Poontoosuck, New Framingham, West Hoosuck, Number One, Number Three, and Number Four, and all other lands included in the following limits; viz^[1], beginning at the western line of Granvill, where it touches Connecticut line, to run, northerly, as far as said west line of Granvill runs; thence, easterly, to the south-west corner of Blan[d]ford, and to run, by the west line of the same town, to the north-west corner thereof; from thence, northerly, in a direct line, to the south-east corner of Number Four, and so run[ing] by the easterly line of said Number Four, to the north-east corner thereof; and thence, in a direct course, to the south-west corner of Charlemont; and so, northerly, in the course of the west line of the same town, 'till it comes to the north bound of the province; and northerly, on the line between this province and the province of New Hampshire, southerly, on Connecticut line, and on the west, by the utmost limits of this province, — shall, from and after the thirtieth day of June, one thousand seven hundred and sixty-one, be and remain one intire and distinct county, by the name of Berkshire, of which Sheffield for the present to be the county or shire town; and the said county to have, use, and enjoy, all such powers, priviledges and immunities as, by law, other counties in this province have and do enjoy.

And be it further enacted,

Inferior courts,
&c., where and
when to be held.

[SECT. 2.] That there shall be held and kept within the said county of Berkshire, yearly, and in every year, at the times and places in this act hereafter expressed, a court of general sessions of the peace, and an inferiour court of common pleas; viz^[1], at the north parish in Sheffield, on the last Tuesday of April, and first Tuesday of September, and at Poontoosuck, on the first Tuesday of December, and the first Tuesday of March, yearly, and in every year, until this court shall otherwise order. And the justices of the said court of general sessions of the peace, and inferiour court of common pleas, respectively, who are or shall be thereunto lawfully commissioned and appointed, shall have, hold, use, exercise, and enjoy, all and singular, the powers which are, by law, already given and granted unto them within any other counties of the province where a court of general sessions of the peace, and inferiour court of common pleas, are already established; and the inhabitants of said county of Berkshire shall have, use, exercise, and enjoy, all such

powers, priviledges and immunities as, by law, the inhabitants of any other county within this province have, use, exercise and enjoy.

Saving, only,—

[SECT. 3.] That all appeals from any judgment or judgments given at any court of general sessions of the peace, and at any inferior court of common pleas, within the said county of Berkshire, shall be heard and tried at the superiour court of judicature, to be held yearly in the county of Hampshire. Saving.

And be it further enacted,

[SECT. 4.] That the superiour court of judicature, court of assize and general goal delivery, to be held in and for the county of Hampshire, shall have, from time to time, and at all times hereafter, until the further order of this court, the same jurisdiction, power and authority for the trial of all actions, civil or criminal, the cause whereof has arisen, or shall arise, within the body of the county of Berkshire, as also to hear and determine all other matters and things arisen, or which shall arise, within the body of the said county of Berkshire, as the said superiour court, by law, would have if the cause of such actions, and such matters and things, had arisen within the body of the county of Hampshire. Superior court to be held in Hampshire.

And be it further enacted,

[SECT. 5.] That the grand jurors, and petit jurors, serving at the superiour court of judicature, court of assize and general goal delivery, to be holden within and for the county of Hampshire, shall, from time to time, be chosen and summoned, in such manner as the law directs for the choice and summons of grand and petit jurors, out of the several towns within the said counties of Hampshire and Berkshire. Jurors, whence to be taken.

Provided,—

[SECT. 6.] That all writs, suits, complaints, processes, appeals, reviews, recognizances or any other matters and things which now are, or at any time before the said thirtieth day of June shall be, depending in the law, within any part of the said county of Berkshire, and also all matters and things which now are, or at any time before said thirtieth day of June shall be, depending before the judge of probate within any part of the said county of Berkshire, shall be heard, tried, proceeded upon and determined upon in the county of Hampshire, where the same are or shall be returnable, or depending, or shall have day, or days. Proviso.

Provided, also,—

[SECT. 7.] That nothing in this act contained shall be construed to disannul, defeat, or make void, any deeds or conveyances of lands lying in the said county of Berkshire, where the same are, or shall be, before the said thirtieth day of June, recorded in the register's office for the county of Hampshire, but that all such deeds or conveyances, so recorded, shall be held good and valid as they would have been had not this act been made. Proviso.

And be it further enacted,

[SECT. 8.] That the justices of the court of general sessions of the peace, at their first meeting in the said county of Berkshire, shall have full power and authority to appoint some meet person, within the said county of Berkshire, to be register of deeds and conveyances within the same, who shall be sworn to the faithful discharge of his trust in the said office, and shall continue to hold and exercise the same, according to the directions of the law, until some person be elected by the freeholders of the said county of Berkshire, who are hereby impowered to chuse such person, at their first March meeting within their respective towns and districts, in the method already, by law, prescribed; which person, taking upon him that trust, shall be sworn to the faithful discharge thereof. And the office of register of deeds shall be kept Register of deeds to be appointed.

in the north parish of Sheffield, aforesaid; and until such register shall be appointed by the said justices, and sworn, all deeds and conveyances of lands lying within any part of said county of Berkshire, being recorded in the register's office in the county of Hampshire aforesaid, shall be held good and valid, to all intents and purposes, so far as relates to the record of them.

And be it further enacted,

Rules for proceedings as in other cases.

[SECT. 9.] That the method and proceedings directed to by law for chusing a register of deeds and conveyances, and the county treasurer (which last-mentioned officer shall be chosen and appointed, in manner as the law direct[s], at the next March meeting of the freeholders aforesaid), also for the bringing forward and trying any actions, causes, pleas or suits, both civil and criminal, in the several counties of this province, and courts of judicature within the same, and for chusing jurors to serve at the several courts of justice, shall be observed and put in practice, within the said county of Berkshire, and by the courts of justice within the same.

Provided, always,—

Proviso.

[SECT. 10.] That the inhabitants of the several towns and places hereinbefore enumerated and set off a distinct county, shall pay their proportion to any county rates or taxes already made and granted, in the same manner as they would have done had not this act been made. [Passed and published April 21, 1761.]

CHAPTER 34.

AN ACT FOR ERECTING THE NEW PLANTATION CALLED PONTOOSUCK, IN THE COUNTY OF HAMPSHIRE, INTO A TOWN BY THE NAME OF PITTSFIELD.

Preamble.

WHEREAS it hath been represented to this court that the erecting the plantation called Pontoosuck, into a township, will greatly contribute to the growth thereof, and remedy many inconveniencies to which the inhabitants and proprietors may be otherwise subjected,—

Be it enacted by the Governor, Council and House of Representatives,

Bounds of the town.

[SECT. 1.] That the plantation aforesaid, bounded as follows; viz^t, north, on New Framingham, so called; east, partly on Ashuelot equivalent, and partly on unappropriated lands; south and west, on unappropriated lands;—be and hereby is erected into a town by the name of Pittsfield; and that the inhabitants thereof be and hereby are invested with all the powers, priviledges and immunities which the inhabitants of the towns within this province do enjoy.

Saving,—

[SECT. 2.] That the said town shall not have liberty to send a representative to the general court, until the general election in May, 1763.

And be it further enacted,

Town meeting to be warned.

[SECT. 3.] That William Williams, Esq^t, be and hereby is impowered to issue his warrant, directed to some principal inhabitant in said town, to notify and warn the inhabitants in said town, qualified by law to vote in town affairs, to meet, at such time and place as shall be therein set forth, to chuse all such officers as are or shall be required, by law, to manage the affairs of said town.

Provided, nevertheless,—

Proviso.

[SECT. 4.] That no inhabitant of said town, or proprietor in the same, excepting the original sixty settling proprietors, or those who