

empted from paying light-money, by the general court, the like duty or light-money as is paid, by every other ship or vessel coming in or going out of the harbour of Boston, agre[e]able to an act of this province passed in the first year of King George the First, [i][e]ntitled "An Act for building and maintaining a lighthouse upon the Great Br[u][ew]ster, called Bacon Island, at the entrance of the harbour of Boston."

1715-16, chap. 4.

*And be it enacted,*

[SECT. 2.] That the commissioner or receiver of impost be and hereby is impowered, by himself, or his deputy by him appointed, to receive the said duties, and to recover the same and give a certificate therefor in the same way and manner as by the aforesaid act is provided.

Impost officer to receive the light-money.

*And be it further enacted,*

[SECT. 3.] That no ship or vessel belonging to the port of Plymouth (coasters excepted), shall be cleared by the naval officer, until a certificate be produced that the duty of the lighthouse be paid; and the ship or vessel, with the master, shall stand charged with the duty thereof, till paid to the commissioner of impost.

Plymouth vessels not to be cleared without a certificate of payment.

*And be it further enacted,*

[SECT. 4.] That the person appointed by this court to keep the said lighthouse, shall be under the same rules and directions with respect to his duty, and also under the same penalty for neglecting the same, and the fines shall be recovered in the same way and manner, as in and by the aforesaid act is provided.

Keeper of the lighthouse to observe rules, on penalty.

*And be it further enacted,*

[SECT. 5.] That a committee of this court be appointed to build the said lighthouse, of such dimensions, and in such manner, as they may be directed by the said court. [*Passed February 27; published March 5, 1768.*]

Committee to build.

## CHAPTER 23.

AN ACT TO IMPOWER COMMISSARIES TO SETTLE A LINE OF JURISDICTION BETWEEN THIS PROVINCE AND THE PROVINCE OF NEW YORK.

WHEREAS a controversy has long subsisted between this province and the province of New York, concerning their boundaries and the extent of their jurisdiction, to the great detriment of both; and the contests arising therefrom have been attended with great confusion and disorders, and are likely to be productive of further most mischievous consequences; to prevent which, and to remove the cause of future disputes, it appears necessary that a line of jurisdiction between this province and the province of New York should be settled by the mutual consent and authority of the legislatures of both governments, agre[e]able to his majesty's most gracious designs and permission, signified by the right hon[ora]ble the Earl of Shelburne; and whereas great doubts arose in the minds of the commissaries of New York, on the conference at New Haven, whether the commissaries on the part of this province were sufficiently authorized, by a resolve of the court only, to treat with the commissaries on the part of New York, and settle the line of jurisdiction between the said provinces; for the removal of such doubts, and to the intent that his majesty's gracious recommendation of an amicable settlement may, if possible, be complied with,—

Preamble.

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

Commissaries empowered to agree on a line of jurisdiction.

That the Hon[ora]ble Thomas Hutchinson, Esq<sup>[d.]</sup>, lieutenant-governor of this province, the Hon[ora]ble William Brattle, Esq<sup>[d.]</sup>, and Edward Sheaffe, Esq<sup>[d.]</sup>, shall be commissaries on the part of this province, who shall have, or the major part of them shall have, and hereby are declared to have, full power and authority to agree with the commissaries appointed on the part of New York, on a line to be run, for a line of jurisdiction, between the two provinces, to which line of jurisdiction this province shall extend; and after such a line is agreed upon and determined by the commissaries on both sides, or the major part of them for each government, the commissaries appointed by this act are hereby impowered and authorized to employ such surveyor or surveyors, chain-bearers, and such and so many other persons as may be found necessary to perform the executive part, to run, mark and ascertain the said line, in conjunction with such as may be appointed for that purpose on the part of the province of New York. And the settlement of the line aforesaid, by the commissaries aforesaid, shall, after his majesty's confirmation thereof, be and remain the line of jurisdiction between the said provinces. [*Passed March 3; published March 5, 1768.*]

Which line shall remain such, after receiving the royal sanction.

NOTES.—All the acts of this year, public and private, were printed,—chapter 8 separately; and the engrossments of all are preserved, except of chapters 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 15.

The following is the title of the only private act passed this year:—

“An Act to empower Abigail Conqueret of Lancaster in the County of Worcester, Wife of Lewis Conqueret Mariner to commence and prosecute to final Judgment and Execution, certain Action or Actions against Francis Morris and Thomas Legget of Leoninster in said County, and for subjecting the said Abigail Conqueret to the Action or Actions of the said Francis Morris and Thomas Legget, as though she was sole and unmarried.”—[*Passed June 25.*]

The acts of the first session were certified for transmission July 22, 1767. No record has been found of the receipt of these acts, although the Governor's letter dated July 27, stating that the secretary of the province was “now transmitting” them, was read at the Board, October 13.

The report of Sir Matthew Lamb upon these acts, dated January 18, 1768, was received January 19, and read February 4, when the draught of a representation was ordered to be prepared proposing the repeal of the private act above named. This draught was prepared and signed February 18, 1768.

The acts of the second session were certified for transmission, April 5, 1768, and laid before the Lords of Trade June 10, 1768, when they were ordered to be sent to Sir Matthew Lamb for his opinion thereon. No report from Sir Matthew Lamb has been found, probably none was made by him since his death occurred on the sixth of November of that year. A vacancy in the office of counsel to the Board of Trade remained from the decease of Sir Matthew Lamb until the appointment of Richard Jackson to that post, on the 30th of April, 1770. On the 14th of January, 1771, Mr. Jackson made a report on these acts—which, it appears, had been sent to him by order of the Lords of Trade for that purpose—that he was of opinion that the same were proper in point of law. He, however, made several comments on chapter 22, as shown in the note to that chapter *post*.

As nothing to the contrary appears, it is to be presumed that the public acts of this year received a virtual approval by lapse of time.

*Chap. 2.* “June 6, 1764. A Petition of George Duncan and Others, Inhabitants of the North East Quarter of Rutland containing about six miles Square Setting forth, That there are now better than thirty Families living on the said District, and their numbers increasing; but that they labour under great Inconveniencies for want of being Incorporated. And Praying that the said Tract of Land may be erected into a Town or District as the same is bounded vizt Southerly on Rutland, Westerly on Rutland District, Northerly on Templeton and Easterly on Prince Town.

In Council Read and Ordered That the consideration of this Petition be referred to the next Sitting of the General Court, and that the Petitioners insert the Substance thereof in the Boston News Papers, that so the Proprietors of the North East Quarter of Rutland may shew cause, if any they have, on the second Wednesday of the next Sitting of the General Court why the Prayer thereof should not be granted.

In the House of Representatives Read and Concurred.”—*Council Records, vol. XXV., p. 230.*

“Jan. 18, 1765. A Petition of George Duncan & others, Inhabitants of the North east quarter of Rutland praying to be erected into a Town or District, as entered the 6<sup>th</sup> of June last.—