

hemp or flax, one shilling for every one hundred and twelve pounds which he shall survey, and so in proportion for a greater or lesser quantity; and shall be sworn, as other town officers are, to the faithful discharge of his office, in the words following; viz,—

Surveyor's oath. You, A. B., being chosen a surveyor of hemp and flax within the town of C., for one year, and until another be chosen and sworn in your stead, do swear, that you will well and faithfully execute your said office, after your best skill and cunning, with all fidelity and without any partiality, favour or affection; and that you will not pass your certificate for any hemp or flax, but such as in your judgment and conscience you shall judge to be merchantable, of due size and well manufactured, as the law directs. So help you God.

And be it further enacted by the authority aforesaid,

Qualities of the hemp and flax.

[SECT. 2.] That no hemp shall be accounted merchantable within the intent of this act, but such as shall be bright, well cured and water-rotted, of three feet in length at least, and cleansed fit for use; nor shall any flax be accounted merchantable within the intent of this act, but such as is [*such*] bright, well cured and cleansed from the swingle, fit for use.

[SECT. 3.] And no person shall be entitled to any premium for hemp or flax, till he hath made oath before the treasurer of the province, or surveyor of such town whereof the person raising the hemp or flax is an inhabitant (who are hereby respectively impowered to administer the same), in the manner following; viz,—

Oath of the person claiming the bounty.

You swear that the hemp (or flax) by you now offered for a premium is *bona fide* the produce and growth of land under your improvement within this province, since March the first, *Anno Domini* one thousand seven hundred and thirty-four; and that neither you nor any other person hath received the premium for the same or any part thereof.

Certificate to be made of the oath.

[SECT. 4.] And every surveyor who administers such oath as aforesaid, shall certify the same to the province treasurer, under his hand, with his certificate of the quantity and quality of the hemp or flax; and the person receiving the premium shall give the treasurer a receipt thereof.

Additional bounty for 224 pounds and upwards.

And be it further enacted,

[SECT. 5.] That if any person shall bring to the surveyor the quantity of two hundred and twenty-four pounds of hemp or flax, sworn to and certified in manner as aforesaid, he shall be allowed for hemp, fourteen shillings a hundred; and for water-rotted flax, nine shillings and fourpence; and for dew-rotted flax, four shillings and eightpence a hundred, over and above what is before allowed in this act.

Limitation.

[SECT. 6.] This act to continue and be in force for the space of three years from the publication thereof, and no longer. [*Passed January 1; published January 4, 1734—35.*]

CHAPTER 16.

AN ACT IN ADDITION TO AN ACT [E][I]NTITLED "AN ACT FOR THE SETTLEMENT AND DISTRIBUTION OF THE ESTATES OF INTESTATES."

Preamble.

1692-3, chap. 14,
§ 1.

WHEREAS in and by an act made and passed in the fourth year of the reign of King William and Queen Mary, entitled "An Act for the settlement and distribution of the estates of intestates," the judges of probate of wills, and for granting letters of administration of the

estates of intestates, are to settle the estate, both real and personal, “one-third part of the personal estate to the wife of the intestate forever, besides her dower or thirds in the housing and lands, during life, where such wife shall not be otherwise endowed before marriage; and all the residue of the real and personal estate, by equal portions, to and among his children, and such as shall legally represent them, &c.” but sufficient provision is not made for the settlement of the estate on the grandchild or grandchildren, where one or more of the children of the intestate are deceased: for want thereof, considerable difficult[y][ie]s have arisen and may arise; for remedy whereof,—

Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That the several judges of probate of wills and for granting administration on the estates of intestates, where any of the children deceased in the lifetime of the intestate, and left issue, shall make a full settlem[en]t of the estate in manner following; vizt., on the grandchildren, that part which their deceased father or mother would have had or taken if living at the time of the intestate's decease; and shall settle two shares, or a double portion on the eldest son, if any be, and so in the same manner and proportion as if the same had descended from their immediate father or mother, and shall follow the same rules as to settling the lands upon one or more of the grandchildren (as the same are capable of making settlements), according to the direction of the law of this province; vizt, an act made in the sixth year of King George the First, chap. [III.*] [the third] directing to give preference to the sons.

Manner of settling intestate estates on grandchildren.

1719-20, chap. 10, § 4.

Provided, always,

[SECT. 2.] This act shall not extend to affect the title of any estate already settled. [*Passed January 1; published January 4, 1734-35.*]

Proviso.

CHAPTER 17.

AN ACT FOR DIVIDING THE TOWN OF BILLERICA, AND ERECTING THE NORTHERLY AND NORTH-EASTERLY PART OF SAID TOWN INTO A DISTINCT TOWNSHIP, BY THE NAME OF TEWKSBURY.

WHEREAS the inhabitants of the northerly and north-easterly part of the town of Billerica, in the county of Middlesex, are so scituated in their habitations as to live very remote from the place of publick worship, and on that account as well as divers others, have laboured under great difficulties and hardships, and for relief therein have petitioned this court, the said lands being already settled with a competent number of inhabitants, to form a township,—

Preamble.

Be it enacted by His Excellency the Governor, Council and Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That the northerly and north-easterly part of the town of Billerica, with the inhabitants thereon, be and hereby are set off from the said town of Billerica, and erected into a separate and distinct township by the name of Tewksbury; the line or boundary of said town to take in two-thirds of the land from Andover line to Billerica meeting-house, by a parallel line with Andover line, extending from Concord River to Wilmington line.

A new town made called Tewksbury.

Bounds of the town.

* So numbered in the edition of 1726.