

thereof, such judge is hereby authorized and [i][e]mpowered to grant letters of administration of the estate, of such person deceased, intestate, not already administered, in like manner as though such absent administrator had been naturally dead; and also to grant letters of administration with the will annexed, in like manner as he might have done in case such absent executor was naturally dead, intestate. [*Passed February 25, 1779.*]

CHAPTER 38.

AN ACT OF PARDON AND INDEMNIFICATION FOR CERTAIN OFFENCES THEREIN MENTIONED; AND FOR HOLDING A SUPERIO[U]R COURT OF JUDICATURE, COURT OF ASSIZE AND GENERAL GOAL DELIVERY, IN THE COUNTY OF BERKSHIRE.

Preamble.

WHEREAS the situation of the county of Berkshire, during the present troubles, hath been such as induced committees and other persons to do many acts which in strict law may be deemed criminal; wherefore, —

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

Pardoning all riots and unlawful assemblies committed since the 10th of April, 1774, in the county of Berkshire.

[SECT. 1.] That all riots, routs and unlawful assemblies, committed, commanded, acted, done, or made, within the said county of Berkshire, since the tenth day of April, one thousand seven hundred and seventy-four, and on or before the first day of February, one thousand seven hundred and seventy-nine, — and all rescues and breaches of the peace, assaults and batteries, and imprisonment whatsoever, — be and hereby are pardoned, released, indemnified, discharged and put into utter oblivion; and that all and every the person or persons acting, advising or assisting, abetting and counselling the same, be and hereby are pardoned, released, acquitted, indemnified and discharged from the same, and of, and from, all judgments, indictments, convictions, penalties and forfeitures therefor had or given, or that might ac[c]rue for the same; and that such indictments, convictions and forfeitures are hereby declared null and void.

And be it further enacted by the authority aforesaid,

[SECT. 2.] That any person indicted or presented, or in any manner prosecuted, or that shall or may be hereafter indicted, presented, or in any manner whatsoever prosecuted, for any of the offences by this act pardoned, may plead the general issue, and give this act in evidence; which shall be sufficient to acquit him.

And be it further enacted by the authority aforesaid,

[SECT. 3.] That no person shall be liable to be sued or prosecuted in any action for damage, on account of any assault, battery, or false imprisonment, or for any trespass upon the property of any person, committed within the said county of Berkshire in consequence of any resolve, vote or order of any town in the same county, at a meeting of the inhabitants thereof, or committed by any selectmen or committees of inspection and correspondence of any of the same towns, or by any person or persons acting by order and direction of the same, unless leave be first had and obtained of the great and general court or assembly of this state, for that purpose.

And be it further enacted by the authority aforesaid,

[SECT. 4.] That so much of an act made in the year one thousand seven hundred and sixty-one, [i][e]ntitled "An Act for dividing the county of Hampshire, and 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," as relates to the giving of the superio[n]r court of judicature, court of assize and general goal delivery, held within the county of Hampshire, jurisdiction of actions arising, and crimes committed, within the said county of Berkshire, and directing and [i][e]mpowering the towns in said county to send jurors to said court, be and hereby is repealed.

An act made in the year 1761, repealed. 1760-61, chap. 33.

And be it further enacted by the Authority aforesaid,

[SECT. 5.] That there shall be held at Great Barrington, within and for the said county of Berkshire, upon the first Tuesday of May, annually, a superio[n]r court of judicature, court of assize and general goal delivery, with the same powers and authorities as the said court hath, by law, in other counties in this state.

Time fixed for holding the superior court, etc., for the future.

Provided, —

[SECT. 6.] That nothing in this act shall extend to prevent the said court, within the county of Hampshire, from taking cognizance of any civil action now pending before them, from the said county of Berkshire, by way of appeal or otherwise.

Proviso.

[SECT. 7.] And that every person or persons who are already recognized, or who may be hereafter recognized, to appear at the superio[n]r court of judicature, court of assize and general goal delivery, next to be holden at Northampton, in the county of Hampshire, and for the counties of Hampshire and Berkshire, on account of, or respecting, any matter of a criminal nature, shall appear at the superio[n]r court appointed by this act to be held at Great Barrington, in and for the county of Berkshire, on the first Tuesday of May next. *[Passed February 27, 1779.]*

CHAPTER 39.

AN ACT FOR APPORTIONING AND ASSESSING A TAX OF ONE MILLION FOURTEEN THOUSAND FOUR HUNDRED AND TWENTY-TWO POUNDS SEVEN SHILLINGS AND EIGHTPENCE, UPON THE SEVERAL TOWNS AND OTHER PLACES IN THIS STATE HEREINAFTER NAMED, FOR DEFRAYING THE PUBLIC CHARGES; AND ALSO FOR ASSESSING A FURTHER TAX OF TWELVE THOUSAND THREE HUNDRED AND EIGHTY-THREE POUNDS SIXTEEN SHILLINGS AND NINEPENCE, PAID THE MEMBERS OF THE HOUSE OF REPRESENTATIVES FOR THEIR TRAVEL AND ATTENDANCE IN THE GENERAL COURT IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SEVENTY-EIGHT.

WHEREAS it is necessary that the aforesaid sum of one million twenty-six thousand eight hundred and six pounds four shillings and fivepence, should be raised and paid into the public treasury of this state, as soon as may be, six hundred thousand pounds of which to be appropriated for the payment of this state's quota of fifteen millions of dollars, which Congress, by their resolve of the second of January