

CHAPTER 32.

AN ACT IN ADDITION TO AN ACT MADE AND PASSED IN THE THIRTY-THIRD YEAR OF THE REIGN OF HIS MAJESTY KING GEORGE THE SECOND, INTITULED "AN ACT FOR THE BETTER REGULATING THAT PART OF THE TOWN OF BOSTON WHICH WAS LAID WASTE BY THE LATE FIRE, AND FOR PREVENTING FIRE IN THAT TOWN FOR THE FUTURE."

WHEREAS in and by an act intituled "An Act for the better rebuilding that part of the town of Boston which was laid waste by the late fire, and for preventing fire in that town for the future," it is, among other things, enacted that the proceedings of the committee, appointed by this court, for the regulating the streets in that part of the town which was so laid waste, should be confirmed; but inasmuch as it is judged more convenient, and less expensive to the town of Boston, that Leverett's Street and Purchase Street should be alter'd and laid out in manner as hereafter is described,—

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

[SECT. 1.] That the street that has been determined to be laid out between Water Street and Milk Street, in the direction of Leverett Street, shall begin on the west side, at a point, on the southerly side of Water Street, ranging with the northerly end of Capt. James Dalton's house, at the distance of fifty-two feet from the north-east corner of said house, toward the east, and, from said point, to run to Milk Street, on a strait line, so as that said line, being continued across Milk Street, shall strike the north-east corner of Mr. Wheelwright's brick house, now in the occupation of Benjamin Faneuil, junr.; which last-mentioned house is bounded northerly, on Milk Street, and easterly, on Atkinson Street: the east side of said new street to be parallel with the line before described, and to be, in all parts, thirty-five feet distant therefrom. And as to Purchase Street; viz., the northerly end thereof, which opens into Batterymarch Street, it shall run as follows; viz., the westerly side of said Purchase Street to begin on the southerly side of Batterymarch Street, at a point seventy feet and three inches distant from the north-easterly corner of the distill-house of Jacob Wendell, Esq., towards the east, and, from said point, to run southerly, on a strait line, to the north-easterly corner of Alexander Hunt's dwelling-house; which is as far as the late great fire extended in that quarter: and the easterly side of said Purchase Street to be parallel with the westerly side, at thirty feet distance: any thing in the aforesaid act, made in the thirty-third year of his late majesty, to the contrary notwithstanding. And the damages and advantages that may accrue to any person or persons, by laying said streets as aforesaid, shall be estimated by the jury impannelled, for that purpose, agreeable to the directions of the act last mentioned.

And whereas some of the jury lately summoned for the purposes in said act mentioned, may be unavoidably absent, and it may be doubted whether the commissioners named in said act are, by virtue of that act, authorized to fill up the said jury; now, to remedy that inconvenience, and prevent any further delay,—

Be it further enacted,

[SECT. 2.] That when and so often as a jury shall be summoned by Samuel Danforth, Samuel Watts and Joseph Williams, Esqrs., the commissioners aforementioned, for the purposes in said act mentioned, and one or more of the said jury shall be detained by sickness,

Preamble.
1760-61, chap. 9,
§ 1.
130 Mass. 321.

Leverett Street.

Purchase Street.

Preamble.

Commissioners
to fill up the
jury.

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[ning] 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