

United States of *America*, in Congress assembled, and they are hereby fully authorized to appoint three skilful, judicious and disinterested persons, as Commissioners, to run out, survey, mark and ascertain the said line of jurisdiction, between this Commonwealth and the State of *New York*, according to the true intent and meaning of the agreement abovementioned.

United States in Congress assembled, authorized to appoint Commissioners.

*And be it further enacted by the authority aforesaid*, That the line so to be run, marked and ascertained by the said Commissioners, or any two of them, according to the true intent and meaning of the said agreement, shall be, and forever hereafter remain, a jurisdiction or boundary line, as far as the same shall extend, between this Commonwealth and the easterly part of the State of *New York*.

Line run by the Commissioners to remain a jurisdiction or boundary line.

*Provided always*, That the Commissioners so to be appointed, shall, before they proceed upon the execution of their trust, be sworn faithfully and impartially to perform the same according to the best of their skill and judgment; and shall, within two years from the seventh day of *March*, One thousand seven hundred and eighty-five, complete the said survey, and make a true and exact return thereof into the Secretary's office of the United States in Congress assembled, to be there filed as a perpetual evidence of the said jurisdiction line.

Proviso, that the Commissioners be sworn, &c.

*And be it further enacted by the authority aforesaid*, That the Governor, by and with the consent of the Council of this Commonwealth, is hereby authorized to appoint one or more person or persons to furnish the said Commissioners, which shall be appointed by Congress to run and ascertain the line aforesaid, with the necessary documents and papers relative to the said line, and to make his warrant on the Treasurer of this Commonwealth in favour of the person or persons so to be appointed, for the sum of *Three hundred pounds*, to be applied, if necessary, for the payment of one half of the expences attending the survey, and for which they shall be accountable to this Commonwealth.

Governor, with consent of Council, authorized to appoint persons to furnish the Commissioners with the necessary documents and papers.

*June 29, 1785.*

## 1785. — Chapter 12.

[May Session, ch. 11.]

AN ACT FOR THE FILING AND RECORDING OF WILLS PROVED WITHOUT THIS GOVERNMENT, AND FOR TAKING AFFIDAVITS IN WRITING FOR THE PROBATE OF WILLS IN CERTAIN CASES.

*Chap. 12*

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of*

Copy of any will proved without this Government, filing and recording thereof shall be of the same force as of an original will.

*the same*, That where the copy of any will which has been proved and allowed in any Probate Court in any of the United States, or in any foreign State or Kingdom, shall be directed to be filed and recorded in any Probate Court in this Government pursuant to this act the filing and recording thereof shall be of the same force and effect as the filing and recording of an original will proved and allowed in the same Court of Probate; and the said Judge may thereupon proceed to take bonds of the executor, or grant administration of the said testator's estate lying in this government, with the will annexed, and settle the said estate in the same way and manner as by law he may or can upon the estates of testators whose wills have been duly proved before him.

Persons interested in wills proved without this government, desiring the same may be filed; directions how to proceed.

*And be it further enacted*, That when the executor or any other person interested in a will that has been proved and allowed in a Court of Probate in any of the United States, or in a Court of Probate in any other State or Kingdom, pursuant to the laws of such State or Kingdom, shall produce a copy of such will, with a copy of the probate thereof, under the seal of the Court where the same will has been proved and allowed, unto any Judge of Probate in any county in this government, where the testator had estate, real or personal, whereon the same will may operate, and shall in writing desire the same may be filed and recorded in the Probate Office in the same county pursuant to this statute, the said Judge shall assign a time and place for taking the same into consideration, and shall cause notice thereof to be made in some public news paper, three weeks successively, thirty days at the least before the time assigned, to the end that any person may appear and shew cause against the filing and recording the same; and if at the time assigned no objection is made, or none in the judgment of the said Judge sufficient to prevent it, the same Judge may cause the same copy to be filed in the Registry of the said Court of Probate, and direct the same to be also there recorded: *Saving always*, an appeal to any person apprehending himself injured thereby to the Supreme Court of Probate, as in other Probate matters.

When an original will shall be offered for probate, & the witnesses live more than thirty miles distant,

*And be it further enacted*, That when an original will shall be offered for Probate before any Court of Probate in this government, and the witnesses thereunto live out of the government, or more than thirty miles distant, or

by reason of age or indisposition of body, are unable to appear and give evidence before the Court, in every such case, the deposition of such witness in writing, taken before any person or persons duly authorized by *dedimus potestatem* from such Probate Court, shall have the same force and effect as though the witness was present and testified *vive voce* before the Court.

depositions may be taken in such cases.

*Provided always however,* Before the Probate of any will shall be allowed from the evidence of affidavits, such proceedings shall be had in all respects as in this act are provided respecting wills previously proved and allowed in a Court of Probate without this Commonwealth; and appeals in all such cases shall be allowed, as is provided for in other Probate matters.

Proviso.

*And it is further provided,* That nothing in this act shall be construed to make valid any will or codicil that is not attested and subscribed in the manner the laws of this Commonwealth direct, nor to give operation and effect to the will of an Alien different from that which such will would have had before the passing this act.

Further proviso.

June 29, 1785.

### 1785. — Chapter 13.

[May Session, ch. 12.]

AN ACT DETERMINING THE TIMES AND PLACES FOR HOLDING JUDICIAL COURTS IN THE COUNTY OF *BERKSHIRE*, A LIMITED TERM.

Chap. 13

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the Supreme Judicial Court, and the Courts of Common Pleas and General Sessions of the Peace, within the county of *Berkshire*, shall be holden at the times and places hereafter mentioned, until the first day of *January*, in the year of our Lord, One thousand seven hundred and eighty-seven; *that is to say,* The Supreme Judicial Court at *Great Barrington*, on the first Tuesday of *October*; the Courts of Common Pleas and General Sessions of the Peace, at said *Great Barrington*, on the second Tuesday of *September* and third Tuesday of *November*; and at *Pittsfield*, on the first Tuesday of *February* and second Tuesday of *May*; any law to the contrary notwithstanding.

June 30, 1785.