

manner with the inhabitants of said town of *Northampton*, by a warrant from the Selectmen of said town, directed to a Constable or Constables of said district, requiring him or them to warn the inhabitants to attend the meeting at the time and place assigned, which shall be seasonably returned by said Constable or Constables; and the Representative or Representatives may be chosen indifferently from said town and district; the pay or allowance to be borne by the town or district, in proportion as they shall pay from time to time to the State Tax.

*Provided likewise*, That said district give up all their right in any of the town lands, monies and obligations to which the inhabitants of said district were entitled, within the towns of *Northampton* and *Southampton*. Proviso.

*And be it further enacted by the authority aforesaid*, That all right of entry and right of action in, to, or for, the recovery of any lands or real estate within the limits of the said district, which before and until the passing of this act the towns of *Northampton* and *Southampton* were vested with, shall accrue and enure by this act unto the inhabitants of the said district; and they, the said inhabitants of said district, shall, to all intents and purposes, be vested with the said right of entry and right of action forever. Inhabitants vested with right of entry, &c. in certain lands.

*June 17, 1785.*

## 1785. — Chapter 8.

[May Session, ch. 7.]

AN ACT FOR THE REGULATION OF NAVIGATION AND COMMERCE.

*Chap. 8*

*Whereas it is become expedient and necessary for this Commonwealth to make some commercial regulations for the encouragement of their own trade:* Therefore, Preamble.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, That from and after the first day of *August* next, and during the continuance of this act, there shall not be exported from any port, harbour, creek, bay or inlet, river or shore, or any other place within this Commonwealth, any goods, wares or merchandize, the growth, manufacture or produce of this or any of the United States, in any ship, vessel or craft of any kind, belonging (either in whole or in part) to, or being the property of, any of the subjects of the King of *Great Britain*. Exportation of goods, &c. in British vessels, prohibited.

Proviso.

*Provided nevertheless,* and whereas proclamations and orders have been issued by the Governors of several parts of the British dominions, for prohibiting vessels belonging to any of the United States from entering their ports or trafficking there :

*Be it further enacted,* That in case the said proclamations and orders shall be reversed, and an open trade allowed to such vessels, and the Governor of this Commonwealth being certified thereof, shall by advice of Council publickly signify the same by his proclamation, then shall the foregoing clause of this act be discontinued, and shall cease to operate during the time such open trade shall be allowed.

Vessels having goods on board, contrary to this act, to be forfeited.

*And be it further enacted by the authority aforesaid,* That from and after the said first day of *August* next, if any ship, vessel or craft of any kind, as aforesaid, be found in any port, harbour or creek, or any other place within this Commonwealth, taking on board, or having taken on board while in this Commonwealth, any of the articles aforesaid, contrary to the true intent and meaning of this act, every such ship, vessel or craft, together with their lading, shall be forfeited, and shall and may be seized by any Naval Officer, Collector of Excise or his Deputy, or by any other citizen or citizens of the United States, and the same may be sued for, prosecuted and recovered in any Court of Record within this Commonwealth, proper to try the same; and after deducting the charges of prosecuting the same, from the gross produce thereof, the remainder shall be given, one moiety to the person or persons who shall have made the seizure and prosecuted the same, and the other moiety shall be paid into the treasury of this Commonwealth, for the use of the same.

No goods to be taken or landed from any vessel not belonging to the United States, in any port, &c. except —

*And be it further enacted,* That from and after the first day of *August* next, there shall not be taken out or landed from on board any ship, vessel or craft, not wholly belonging to, or the property of, the citizens of the United States, any goods, wares or merchandize, in any port, harbour or creek, or any other place within this Commonwealth, except the ports of *Boston*, *Falmouth* in *Casco Bay* and *Dartmouth*; and if any ship, vessel or craft, not wholly owned as aforesaid, shall be found in any port, harbour or creek, or any other place within this Commonwealth, except the ports of *Boston*, *Falmouth* in

*Casco Bay* and *Dartmouth*, as aforesaid, discharging her lading, or any part thereof, or having discharged her loading, or any part thereof, otherwise than abovementioned, the said ship, vessel or craft, together with her lading, shall be seized and forfeited, to be recovered and appropriated as aforesaid.

And be it further enacted, That from and after the said first day of *August* next, there shall be paid by the master, owner or consignee, of every ship, vessel or craft, owned either in part or in whole by any foreigner, at the time of entering the said ship, vessel or craft, into the hands of the Naval Officer of the ports of *Boston*, *Falmouth* and *Dartmouth*, aforesaid, for the use and benefit of this Commonwealth, a duty of *Five shillings* per ton, for each and every ton said vessel may measure by carpenters' measurement, and a further duty of *Two shillings and eight pence* per ton, as light money, in addition to what by law they are now subject to pay, for the use and service of the light houses, and shall likewise pay unto the Collector of Impost and Excise, for the counties of *Suffolk*, *Cumberland* and *Bristol*, double the duty on the goods imported in said vessel, as is or may be paid at that time upon the like goods imported in a vessel belonging wholly to the citizens of the United States; and a further duty of *Six pence* shall be paid upon every bushel of salt imported in any ship, vessel or craft, owned either in whole or in part, by any of the subjects of the King of *Great Britain*, and previous to their breaking bulk they shall give bond to the said Collector for the payment of the same.

Provided nevertheless, That the said duty of *Six pence* per bushel on salt, shall not be paid in case an open trade shall be permitted in the *British* dominions, and during the continuance of such open trade; such permission to be signified by the Governor's proclamation, as aforesaid.

And whereas some persons for the sake of enjoying more extensive privileges in commerce, have had double sets of papers for their vessels, in order that they might appear the property of one nation or another, as might best answer their purposes; for the prevention of which impositions:

Be it enacted, That from and after the first day of *August* next, any vessel which may appear to have two sets of papers, by the one of which she may appear to be the property of the citizens of the United States, and by the other the property of foreigners; or if it shall be

Duty upon vessels owned by foreigners.

Double duty to be paid upon goods imported in such vessels.

Further duty of six pence per bushel upon salt imported in British vessels.

Proviso.

Vessels having double sets of papers on board, &c. to be forfeited.

made to appear, that any vessel that has cleared at any naval office in this Commonwealth, as the property of the citizens of these States, shall afterwards enter and discharge her cargo taken in and cleared as aforesaid, in any foreign port, as the property of a foreigner; said vessel upon her return into this Commonwealth shall be forfeited, and may be seized by the Naval Officer of the port where she may be found, or by any other person or persons, who may prosecute for the same, to be recovered, and the money arising from such forfeiture, to be applied as aforesaid, and the master of such vessel so offending, shall forfeit and pay for the use of this Commonwealth, a sum of *One hundred pounds*, to be recovered as aforesaid.

Forfeitures,  
how applied.

Naval Officers,  
previous to ad-  
mitting an en-  
try, to adminis-  
ter an oath, and  
certify the  
same.

*And be it further enacted*, That each Naval Officer in this Commonwealth, previous to his admitting any vessel to an entry, shall administer the following oath or affirmation, to the master, or one of the principal owners thereof, (provided said vessel shall appear to be the property of the citizens of these States) and certify it on the back of the register (if not done before) in the following words :

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Form of the  
certificate.

Then personally appeared before me one of the principal owners (or the commander, as the case may be) of the and made solemn oath (or affirmation) that the said is the sole property of the citizens of the United States, and that no foreigner, directly or indirectly, hath any part or share therein.

*Naval Officer.*

Naval Officers,  
Collectors of  
Impost and Ex-  
cise, or their  
deputies, neg-  
lecting their  
duty.

*And be it further enacted by the authority aforesaid*, That if any Naval Officer or his Deputy shall presume to enter or clear any vessel, contrary to the true intent and meaning of this act, or if any Naval Officer, Collector of Impost and Excise, or their Deputies, shall neglect any of the duties required of them by this act, he or they, so offending or neglecting their respective duties, shall forfeit and pay the sum of *Three hundred pounds*, one moiety thereof for the use of this Commonwealth, and the other moiety thereof for the use of the person or persons who may prosecute for the same, to be sued for and recovered in any Court of Record in this Commonwealth proper to try the same; and in addition thereto, shall be rendered incapable of any further exercise of his or their respective offices.

Penalty.

*Provided nevertheless,* That nothing in this act shall be construed to prevent any ship or vessel built in this Commonwealth, and owned either in whole or in part by any of the subjects of the King of *Great Britain*, from taking a cargo upon her first departure from this Commonwealth, upon the same terms and no further restrictions than if said vessel was owned by the citizens of these States. Proviso.

*And be it further enacted,* That this act shall continue in force until the United States, in Congress assembled, shall be vested with competent power for the purpose, and shall have passed an ordinance for the regulation of the commerce of these States, and the period may arrive when the said ordinance is to take effect, and no longer. Time this act shall continue in force.

*June 23, 1785.*

## 1785. — Chapter 9.

[May Session, ch. 8.]

AN ACT FOR ERECTING THE WESTERLY PART OF THE TOWN OF WESTMINSTER, THE SOUTHWESTERLY PART OF ASHBURNHAM, THE SOUTHEASTERLY PART OF WINCHENDON, AND THE EASTERLY PART OF TEMPLETON, IN THE COUNTY OF WORCESTER, INTO A TOWN BY THE NAME OF GARDNER. Chap. 9

*Whereas the inhabitants of the westerly part of the town of Westminster, the southwesterly part of the town of Ashburnham, southeasterly part of the town of Winchendon, and the easterly part of the town of Templeton, in the county of Worcester, have represented to this Court the difficulties they labour under in their present situation, and request that they may be incorporated into a separate town, and it appearing to this Court proper to comply with their said request:* Preamble.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the westerly part of the town of *Westminster*, southwesterly part of the town of *Ashburnham*, southeasterly part of the town of *Winchendon*, and the easterly part of the town of *Templeton*, in the county of *Worcester*, bounded as follows, *viz.* — Beginning at the west corner of the town of *Westminster*, running south easterly on the town line on *Templeton* and *Hubbardston*, to the southeasterly corner of lot Number thirty-two, third division; thence running northeasterly, straight to the southeasterly corner of lot Number ninety-one, second division; from thence, upon the line between lots Number ninety- Boundaries.