

immunities which the inhabitants of the towns within this province, by law, do or may enjoy, that of sending a representative to the general assembly only excepted; and that the inhabitants of the said town of Ashby shall have liberty, from time to time, to join with the town of Townsend in the choice of a representative or representatives; which representative or representatives may be chosen indifferently from the said town of Townsend or town of Ashby, the pay or allowance of such representative or representatives to be borne by the said town of Townsend and town of Ashby, according to their respective proportion of the province tax; and that the town of Townsend, as often as they shall call a meeting for the choice of a representative or representatives, shall, from time to time, give seasonable notice to the clerk of the said town of Ashby, for the time being, of the time and place for holding said meeting, to the end the said town of Ashby may join therein; and the clerk of the said town of Ashby shall set up, in some public place in said town of Ashby, a notification thereof accordingly.

—to join with Townsend in the choice of representatives:

—and to be notified for that purpose:

Provided, nevertheless,—

And be it further enacted,

[SECT. 2.] That the said town of Ashby shall pay their proportion of all such province, county and town taxes already granted to be raised on the several towns to which they severally belong.

—to pay their proportion of taxes already granted.

And be it further enacted,

[SECT. 3.] That James Prescott, Esq^[r]., be and hereby is directed and empowered to issue his warrant, directed to some principal inhabitant within said town, requiring him to warn the inhabitants of said town, qualified by law to vote in town affairs, to meet at such time and place as shall be therein set forth, to chuse all such officers as are or shall be required by law to manage the affairs of said town.

The first town-meeting, how to be called.

Be it further enacted,

[SECT. 4.] That the town clerks of the said towns of Townsend, Fitchburgh and Ashburnham, before the first town-meeting of the said town of Ashby, shall deliver to James Prescott, Esq^[r]., of Groton, copies of the last lists of valuation of the real and personal estates of the inhabitants of said town of Ashby, in order to determine the qualification of voters at said meeting; and that the inhabitants who shall appear, by laid lists, to be voters, according to law, shall be allowed to vote.

List of valuation to be delivered in, for the regulation of voters.

And be it further enacted,

[SECT. 5.] That said town be annexed to and hereby is part of the county of Middlesex. [*Passed March 6, 1767.*]

Annexed to the county of Middlesex.

CHAPTER 16.

AN ACT TO PREVENT DAMAGE BEING DONE ON THE MEADOWS AND BEACHES LYING IN, AND ADJOINING ON, THE SOUTH SIDE OF THE TOWNS OF TISBURY AND CHILMARK, IN THE COUNTY OF DUKES COUNTY, BETWEEN THE LAND OF MATTHEW MAYHEW, ESQ^[r]., ON THE WEST, AND THE CREEK OF WATER THAT DIVIDES THE LAND OF THOMAS WALRON FROM THE BEACH, ON THE EAST.

WHEREAS many persons frequently drive numbers of neat cattle, horses, sheep and swine, to feed upon the beaches, meadows and shores adjoining to the south side of Martha's Vineyard, lying in the towns of Tisbury and Chilmark, between the land of Matthew Mayhew, Esq^[r]., on the west, and the creek of water that divides the land of Thomas Walron[d] from the aforesaid beach, on the east, whereby the ground

Preamble.

is much broken and damnified, and the sand blown on said adjoining meadow and upland, to the great damage, not only of sundry private persons, in their property, but also the inhabitants of the said town, in general,—

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

Creatures not to be turned on to Tisbury and Chilmark Beach, from 30th March to 1st October, annually.

Penalty :

—how to be recovered and disposed of.

[SECT. 1.] That, from and after the thirtieth of March, one thousand seven hundred and sixty-seven, no person or persons shall presume to turn any neat cattle, horses, sheep or swine, on the beach belonging to and lying in the towns of Tisbury and Chilmark, at any time between the thirtieth day of March, and the first day of October, annually, during the continuance of this act, on penalty of paying for each offence three shillings a head for neat cattle, horses or mares, of one year old or upwards, and the sum of threepence a head for each sheep or swine, that shall be turned out or found on said beach, meadows or shores, within the limits aforesaid; which penalty shall be recovered by the treasurer of either of the towns of Tisbury or Chilmark, or any other person that shall inform or sue for the same: the one half of said forfeiture to be to him or them that shall inform of and sue for the same, the other half to be to and for the use of the poor of the said town.

And be it further enacted,

Creatures found on the said beach to be impounded :

—to be sold, in case.

[SECT. 2.] That if any cattle, horse-kind, sheep or swine shall, at any time hereafter, be found feeding on the said beach, meadows or shores, that lye between the boundaries or limits before described, it shall and may be lawful for any person to impound the same, immediately giving notice thereof to the owner, if known, otherwise to give public^[k] notice thereof by posting the same up in some public place in both the said towns of Tisbury and Chilmark; and the impounder shall relieve the said creatures with suitable meat and water while impounded; and if the owner thereof appear, to redeem his impounded creatures, he shall pay one shilling, to the impounder, for each neat beast and horse-kind, and one penny for each sheep and swine, and what is reasonable for relieving, besides the poundkeeper's fees as by law appointed for such creatures. And if no owner appears within the space of six days, to redeem the said cattle, horse-kind, sheep or swine so impounded, and to pay the cost and damage occasioned by impounding the same. then and in every such case the person impounding such cattle or horse-kind, sheep or swine, shall cause the same to be sold at public vendue, and pay the cost and charges arising about the same: public notice of the time and place of such sale, to be given in the said towns of Tisbury and Chilmark, forty-eight hours beforehand, and the overplus, if any there be, arising by such sale, to be returned to the owner of such cattle, horse-kind, sheep or swine, any time within twelve months next after, upon his demanding the same; but if no owner, within the said twelve months, appear, then the said overplus shall be one half to the party impounding such cattle, horse, sheep or swine, and the other half for the use of the poor of the said towns of Tisbury and Chilmark.

And be it further enacted,

Justices to hear complaints.

[SECT. 3.] That the major part of the proprietors of the meadows in said towns of Tisbury and Chilmark, shall, some time in the month of March, annually, appoint one suitable person, in each town, to prosecute all breaches of this act; which shall be heard and determined before any one of his majesty's justices of the peace in the said county, who are hereby authori[s][z]ed to hear and determine the same, and to make up judgment and award execution thereon: *saving always*, that any person who may be prosecuted by this act may have liberty to appeal to the court of general sessions of the peace in the same county, there to have a final issue.

Provided,—

[SECT. 4.] That nothing in this act shall be construed to prevent the owner or owners of said beach or meadow, from turning on their horses they ride, or cattle they improve in their teams, to feed on said beach or meadow while they are cutting or carting their hay off said beach or meadow, or while they may be opening said beach to let the water off their meadow into the sea. Proviso.

[SECT. 5.] This act to be in force for the space of three years from the thirtieth of March, one thousand seven hundred and sixty-seven, and no longer. [*Passed March 9; published March 20, 1767.*] Limitation.

CHAPTER 17.

AN ACT IN ADDITION TO THE SEVERAL LAWS ALREADY MADE RELATING TO THE REMOVAL OF POOR PERSONS OUT OF THE TOWNS WHEREOF THEY ARE NOT INHABITANTS.

WHEREAS, in and by an act passed in the fourth year of the reign of their late majesties, King William and Queen Mary, intituled “An Act for regulating of townships, choice of town officers and setting forth their power,” it is, among other things, enacted, “That any persons orderly warned to depart any town whereof he is not an inhabitant, and neglecting so to do by the space of fourteen days next after such warning given, may, by warrant of the next justice of the peace, be sent and conveyed, from constable to constable, unto the town where he properly belongs, or had his last residence, at his own charge, if able to pay the same, or, otherwise, at the charge of the town so sending him;” *and whereas* it frequently happens that the persons so sent and conveyed, by warrant as aforesaid, do not properly belong to, nor had their last lawful residence in, any town in this province, but are inhabitants of some other province or colony, and are poor, and unable to pay the charge of such their removal, whereby an unequal charge and burthen arises to the towns to which such poor persons happen to come; for remedy whereof, and to the end that such charges may be borne in a more equitable and just proportion,—

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

[SECT. 1.] That when and so often as any such person or persons are to be sent or conveyed out of this province, it shall and may be lawful for any justice of the peace of the county from whence the person or persons are to be sent or conveyed, and he is hereby [e][i]m- Preamble.
1692-93, ch. 28,
§ 10.
1700-01, ch. 23.
1722-23, ch. 5.
14 Mass. 382.
15 Mass. 203.
6 Pick. 1.
10 Pick. 23, 513.
116 Mass. 595.
125 Mass. 304.
How poor persons are to be conveyed out of the province.

And be it further enacted,

[SECT. 2.] That when and so often as it shall happen that any person so to be sent and conveyed, either by land or water as shall be thought most convenient, by warrant as aforesaid, doth not properly belong to, nor had gained a settlement in, any town in this province, but is an inhabitant of, or had settlement in, some one of his majesty’s provinces or colonies on this continent, then and in every such case the charge of conveying such person or persons shall be borne by said person or persons, if able to pay the same; otherwise, to be borne and paid by this province, in order to their being sent or conveyed to the province or colony where they last had a settlement. In what manner the charge is to be defrayed.