

not be obliged to grant him a permit, anything in this act to the contrary notwithstanding; and if such person shall sell any of the liquors aforesaid without permit, he shall be subject to all the penalties that other persons selling without permit are subject to; or if such person shall give bond as aforesaid, and shall leave the province before such bond be discharged, the collector may bring his action on said bond against the surety or sureties, for the recovery of the sum in such bond mentioned, which shall be, one third for the use of the prosecutor, the other two thirds for the use of this government.

Be it further enacted,

[SECT. 45.] That all fines, penalties and forfeitures, arising or accruing by any breach of this act, and not otherwise appropriated, shall be, two thirds to his majesty for the use of this government, and the other third for the use of the prosecutor; to be recovered by action, bill, plaint or information in any of his majesty's courts of record. [*Passed January 25; published January 26, 1758.*]

How fines, &c., arising by this act, are to be disposed of.

CHAPTER 20.

AN ACT FURTHER TO EXEMPT PERSONS COMMONLY CALLED QUAKERS AND ANNABAPTISTS FROM PAYING MINISTERIAL TAXES.

WHEREAS the several acts for exempting persons commonly called Quakers and Annabaptists within this province from being taxed for and towards the support of ministers, are expired,—

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

[SECT. 1.] That from and after the first day of February next, none of the persons commonly called Quakers or Annabaptists, who alledge a scruple of conscience as the reason of their refusal to pay any part or proportion of such taxes as are from time to time assessed for the support of the minister or ministers of any church, set[t]led by the laws of this province, in the town, district, precinct or parish where they dwell, shall have their poll, or estate real or personal in their own hands and under their actual improvement, taxed towards the settlement or support of such minister or ministers, nor for building or repairing any meeting-house or place of publick worship.

And to the intent that it may be the better known what persons are of the perswasion of the people called Quakers, who are exempted by this act,—

Be it further enacted,

[SECT. 2.] That no person in any town, district, precinct or parish within the limits of this government, shall, for the future, be esteemed or accounted to be a Quaker, and have his poll or polls, or any estate to him or her belonging, exempted from paying a proportionable part of the ministerial taxes that shall be raised therein, but such whose name[s] shall be contained in a list or lists to be taken and exhibited on or before the first day of February next, and afterwards, during the continuance of this act, on or before the twentieth day of July, annually, to the assessors of such town, district, precinct or parish, and signed by three or more of the principal members of that meeting to which he or they belong, who shall therein certify that they verily bel[ei][ie]ve the persons whose names are inserted in said list or lists are really belonging thereto, and are conscien[t][c]iously of their perswasion, and

Preamble.
1747-48, chap. 6.
1752-53, chap. 15
3 Gray, 34.

Quakers and Anabaptists exempted from taxes for ministers and meeting-houses.

Rule for denominating persons Quakers, in the sense of the law.

that they do frequently and usually attend their meetings for the worship of God on the Lord's day.

And to the intent that the Annabaptists, who are truly such, and therefore exempted by this act, may be the better known and distinguished from those who pretend to be, but really are not of that persuasion,—

Be it further enacted,

[SECT. 3.] That no person in any town, district, precinct or parish as aforesaid, shall be so esteemed or accounted to be an Annabaptist, as to have his or her poll or polls, or any estate to him or her belonging, exempted from paying a proportionable part of the ministerial taxes that shall be raised therein, but such whose names shall be contained in a list or lists to be taken and exhibited on or before the first day of February next, and afterwards, during the continuance of this act, on or before the twentieth day of July, annually, to the assessors of such town, district, precinct or parish, and signed by three principal members of the Annabaptist church to which he or they belong, and the minister thereof, if any there be, who shall therein certif[ie][y] that the persons whose names are inserted in said list or lists are really belonging thereto, that they verily believe them to be conscient[ly][c]iously of their persuasion, and that they do frequently and usually attend the publick worship in such church on the Lord's day.

Rule for denominating persons Annabaptists, in the sense of the law.

Limitation.

[SECT. 4.] This act to be in force for the space of three years from and after the first day of February, one thousand seven hundred and fifty-eight, and no longer. [*Passed January 25; published January 26, 1758.*]

CHAPTER 21.

AN ACT FOR ALTERING A CLAUSE IN AN ACT MADE IN THE THIRTIETH YEAR OF HIS PRESENT MAJESTY'S REIGN, INTITLED "AN ACT TO PREVENT DAMAGES BEING DONE UNTO BILLINGSGATE BAY, IN THE TOWN OF EASTHAM, BY CATTLE AND HORSES FEEDING ON THE BEACH AND ISLANDS ADJOINING THERETO."

Preamble.

1756-57, chap. 31,
§ 4.

1756-57, chap. 31,
§ 5.

WHEREAS, by said act, liberty is given to Samuel Smith, Esq^[d], his heirs, &c^[a], to feed a certain number of cattle on the beach and islands therein mentioned, he performing several conditions in the act recited, among which one is mentioned by way of proviso; viz^[d], "That the said Samuel Smith, his heirs, executors or administrators, shall and do make and maintain a good and sufficient fence across the north part of the island," therein mentioned, and into the sea, which article is represented impracticable to be done; *and whereas* the town of Eastham, together with the said Samuel Smith, have petitioned that the paragraph relating to said fence, and into the sea, be taken off,—

Be it enacted by the Governour, Council and House of Representatives.

Clause in said act rendered void.

That that part of the proviso in said act above recited, relative to the fence aforesaid, be and hereby is declared null and void, and no longer [to] be esteemed as part of said act during its continuance. [*Passed January 11; published January 26, 1758.*]