

pence per man, in order to hire into the service so many men as by the act aforesaid would have been liable to be impressed from such people called Quakers, in a due proportion to the other part of the regiment, the sums so engaged to be paid out of the public treasury upon an account thereof exhibited to and allowed by the governour, with the advice and consent of the council, and to be levied in the next tax act upon the people called Quakers, in such manner and proportion as shall be therein ordered.

liable to be impressed.

And be it further enacted,

[SECT. 3.] That if the general assembly who shall pass the next tax act shall omit therein to levy the aforesaid sums on the people called Quakers, that then the province treasurer shall be and he hereby is empower[e]d and directed to add the said sums to the town or district's proportion wherein such Quakers live, respectively, over and above such town or district's ordinary proportion of the province tax; distinguishing it, however, from said proportion, that so the respective assessors of said towns and districts may assess such Quakers for the same accordingly as afores[ai]d.

Province treasurer empowered to tax Quakers.

And whereas the people called Quakers have neglected to prepare and deliver in, in the month of March, lists of the names of the members of their respective societies liable by law to impresses, as directed by an act made and pass[e]d this present year, intituled an act to exempt the people called Quakers from the penalty of the law for non-attendance on military musters, by means of which neglect the number of such Quakers cannot be ascertained in manner as was intended by said act,—

Preamble.

Be it therefore further enacted,

[SECT. 4.] That the captain or chief officer of every company in each regiment within this province, the colonel or chief officer of which regiment shall have employed any sum or sums to hire persons into the service in the room and stead of the people called Quakers, in consequence of this act, shall some time before the twenty-fifth of May in this present year, prepare and deliver to such colonel a list of all the people called Quakers, or who, under pretence of a scruple of conscience, absent themselves from military musters within the respective districts of their respective companies, specifying in such list the towns of which each and every such persons are inhabitants, and every such colonel or chief officer of such regiment shall some time before the first of June return such lists into the secretary's office.

Colonel or chief officer to return a list of Quakers.

[SECT. 5.] And every military officer who shall fail of preparing and delivering such lists shall forfeit and pay the sum of ten pounds; one moiety thereof to his majesty for the use of the province, the other moiety to him or them that shall inform and sue for the same. [*Passed April 28; * published April 29, 1758.*]

Penalty.

CHAPTER 37.

AN ACT IN ADDITION TO AN ACT, INTITLED "AN ACT FOR PREVENTING THE UNNECESSARY DESTRUCTION OF ALEWIVES AND OTHER FISH, WITHIN THIS PROVINCE."

WHEREAS in and by an act, intituled "An Act for preventing the unnecessary destruction of alewives and other fish, within this province," it is, among other things, enacted, "that no person or persons whatsoever,

Preamble.
1754-55, chap. 31,
§ 1.

* Signed April 29, according to the record.

shall, on any pretence, presume to stretch, set or draw any siene or drag-net, or set up any wares or other fishing engines, in any parts of the rivers within this province, or ponds adjacent thereto, Merrimack and Connecticut rivers only excepted, where the fish usually spawn, or use any other instruments for catching alewives but by dip-nets or scoop-nets, on penalty of a fine of five pounds for each offence"; and whereas it is found unnecessary wholly to restrain the catching of shadd or alewives by sienes or drag-nets in Charles River, Medford River and Concord River, in the county of Middlesex, and Neponsett River in the county of Suffolk,—

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

Alewives and other fish to be taken by seines, &c., in Charles River, &c.

That it shall and may be lawful for any person or persons to catch alewives or other fish by sienes or drag-nets in Charles River and Concord River, in the county of Middlesex, and Neponsett River in the county of Suffolk, three days in a week, the days to be Monday, Wednesday and Friday, and in Medford River, in the county of Middlesex, two days in a week; viz., Monday and Thursday, by drawing two sienes once in each day at said Medford River; and for the taking of fish in such part of Concord River where sienes cannot conveniently be used, it shall be lawful to erect a wear, and to employ the same for that purpose on the Monday, Wednesday and Friday of each week, the place where the same shall be erected to be determined by the selectmen of said town, during the continuance of the afore-recited act, anything therein contained to the contrary notwithstanding. [*Passed and published April 29, 1758.*]

NOTES.—There were five sessions of the General Court this year, at all of which acts were passed.

All the acts of this year were printed (chapters 2 and 32 separately) except the last two of the private acts, the titles of which are as follows:—

"An Act empowering Margaret Pollard of Boston in the County of Suffolk, Widow, Executrix of the last Will and Testament of Benjamin Pollard, Esqr., deceased, to make Sale of certain Lands that were conveyed to the said Benjamin Pollard, in Trust."—[*Passed June 16; published June 17.*]

"An Act for dissolving the Marriage of Daniel McCarthy with Mary McCarthy."—[*Passed June 14; published June 17.*]

"An Act for the more easy and equitable Division of the Estates of James Townsend, deceased, and Elizabeth Chauncy, deceased, yet remaining undivided, among the Interested."—[*Passed April 24, 1758.*]

The first and last of these private acts,—the last bearing no memorandum of publication and being not under seal,—were disallowed by the Privy Council, Aug. 10, 1759.

The engrossments of all the acts of this year are preserved except of chapters 2, 4, 7, 16, 18, 19, 32, 33, 34, 35 and 37.

Governor Pownall not having arrived until August 3, the acts of the first session and of the previous year, do not appear to have been formally transmitted until Jan. 12, 1758, when these, together with the acts of the second session, were certified for that purpose under the seal of the Province. Copies of the acts of the second session, however, were forwarded to the Board of Trade by the Governor, with his observations thereon, Oct. 11, 1757; and in like manner, the following acts of the third and fourth sessions were forwarded on the dates hereafter given; viz., chapter 16, Dec. 1, 1757; chapter 18, Jan. 15, 1758; chapter 24, Mar. 15, 1758; and chapter 30, Mar. [26?] 6, 1758. The acts of the last three sessions were formally certified for transmission Sept. 22, 1758.

The acts of the first and second sessions were received by the clerk of the Privy Council, in waiting, May 3, 1758, and, five days later, were referred to the Lords of the committee of the Privy Council, for plantation affairs who, on the next day, took them into consideration and referred them to the Board of Trade "to examine into the same and report their opinion thereupon to this Committee." The Board of Trade took them up June 6, 1758, and appointed a special time for considering chapter 12, in the note to which chapter, *post*, will be found the minutes of their proceedings thereupon. On the 13th of June the Board ordered these acts to be sent to Sir Matthew Lamb "for his Opinion thereupon in point of law and that he be desired to take the Act respecting Bankrupts and their Creditors into his immediate consideration and report his opinion thereupon in point of law with all possible dispatch." The acts of the last three sessions were received by the clerk of the Privy Council, Nov. 25, 1758, and on the 13th of December were referred to the committee, of the Privy Council, on plantations, &c., who nine days later took them into consideration, and referred them to the Board of Trade to examine &c.