

Provided, also,—

And be it further enacted,

Persons ag-
grieved, to
whom to apply
and in what way
and manner they
shall be relieved,
&c.

[SECT. 3.] That in case any person shall find himself aggrieved in that any selectm[e][a]n has quartered or billeted in his house a greater number of soldiers than he ought to bear in proportion to his neighbours, and shall complain thereof to one or more justice or justices of the peace for the county where such soldiers are quarter[ed][ing], or in case such soldiers shall have been quartered by a justice of the peace, then on complaint made to two or more justices of the peace for the county, such justices, respectively shall have and hereby have power to relieve such person by ordering such and so many of the soldiers to be removed or quartered upon such other person or persons as they shall see cause; and such other person or persons so licenced shall be obliged to receive such soldiers accordingly.

And be it further enacted,

Penalty for any
selectman or
justice of the
peace refusing
or neglecting to
quarter officers
and soldiers, or
that shall re-
ceive a reward,
&c.

[SECT. 4.] That if any selectman or justice of the peace shall neglect or refuse for the space of four hours to quarter or billet such officers or soldiers, when thereunto required, in such manner as is by this act directed, provided sufficient notice be given before the arrival of any recruiting parties, or shall receive, demand, contract or agree for any sum or sums of money, or any reward whatsoever, for or on account of excusing or in order to excuse any person or persons whatsoever from quartering or receiving into his, her or their house or houses any such officer or soldier, or in case any occupier of any publick licenced house liable by this act to have any officer or soldier bil- [I]et[t]ed and quartered on him or her, shall refuse to receive and victual any such officer or soldier so quartered and billeted upon him or her as aforesaid according to the directions of this act, and shall be thereof convicted before two justices of the peace for the county where such offence shall be committed, one of which justices to be of the quorum, either by his or her own confession, or by the oath of one or more credible witness or witnesses, every person so offending shall forfeit to his majesty for every such offence the sum of five pounds sterling or any sum of money not exceeding five pounds sterling nor less than forty shillings sterling, as the said justices before whom the matter shall be heard shall in their discretion think fit, to be levied by distress and sale of the goods of the person offending, by warrant under the hands and seals of the justices before whom such offender shall be convicted, to be directed to the sheriff of the county, his deputies, or any constable of the town where the offender shall dwell, such fine or forfeiture to be paid into the province treasury and to be applied to the publick charges of this government.

Or occupier of
any publichouse
who shall refuse
or neglect to
quarter officers
and soldiers.

To be levied by
distress.

Applied to the
charges of the
government.
Limitation.

[SECT. 5.] This act to be and remain in force, from and after the twenty-ninth day of January, one thousand seven hundred and fifty-nine, to and until the first day of June, one thousand seven hundred and fifty-nine, and no longer. [*Passed January 17,* published February 14,† 1759.*]

CHAPTER 16.

AN ACT IN ADDITION TO AN ACT INTIT[UL]ED “AN ACT TO PREVENT FRAUD IN CORD-WOOD EXPOSED TO SALE.”

Preamble.

WHEREAS in and by an act made and passed in the fourth year of her 1705-6, chap. 8, § 1. late majesty Queen Anne, intit[u]led “An Act to prevent fraud in cord-

* February 13, according to the record.

† January 20, according to the printed acts.

wood exposed to sale," it is enacted, "that all cord-wood exposed to sale shall be four feet long, accounting to half the carf; and the cord, being well and close laid together, shall measure eight feet in length and four feet in heig[h]th." Notwithstanding which, great frauds and abuses have for several years past, and still are daily committed in bringing to many towns in this province, and there exposing to sale, great quantities of firewood, commonly called cord-wood, not more than three feet or three feet and a half long, whereby the inhabitants of such towns, and especially the poor thereof, are greatly injured and defrauded, there being no penalty annexed by said law to such persons as are guilty of the breach thereof; for remedy whereof, and for preventing the like abuses for the future,—

Be it enacted by the Governo[r], Council and House of Representatives,

[SECT. 1.] That if any firewood or wood designed for fewell, commonly called cord-wood, which shall be less in length than four feet, including half the carf as aforesaid, shall, after the first day of November next, be brought by water into any towns in this province for sale, such wood shall be forfeited, two third parts thereof to the use of the poor of the town, and the other third part thereof to the sealer of wood, who shall seize the same accordingly.

Admeasure-
ment of cord-
wood.

Penalty.

And be it further enacted,

[SECT. 2.] That in every town or district within this province where wood is usually sold by the cord, the selectmen shall annually, or as occasion shall require, nominate and appoint some meet persons to be measurers and sealers of wood, who shall be sworn in like manner as other town officers to the faithful and diligent discharge of their office, and the selectmen shall from time to time appoint such fees or allowance for their service as they shall judge reasonable.

Selectmen to
appoint meet
persons to be
sealers of wood,
&c.

And be it further enacted,

[SECT. 3.] That no wharfinger or carter shall, by himself or any for or under him, cart or carry any firewood or wood commonly used or intended for fewell from any wharf[f][e] or landing place in any town in this province, except for the proper use and consumption of such wharfinger or carter, that shall not be four feet in length, including half the carf, and until it hath been first measured by the officer appointed by the selectmen as aforesaid, on penalty of forfeiting and paying six shillings for every load of wood so carried off, and every wharfinger shall be chargeable to the officer or person appointed to measure wood as aforesaid, for his fees, if demanded, and be compelled by law to pay him the same.

Penalty for cart-
ing or carrying
wood until
measured.

And whereas frequent complaints are made that such of the inhabitants of the town of Boston as are poor, and usually purchase their firewood and charcoal in small quantities, are greatly defrauded in their measure, and not having the quantity bought; for preventing whereof, and for ascertaining the quantity of wood and charcoal bought,—

Preamble.

Be it enacted,

[SECT. 4.] That each cart or sled employed by any wharfinger or common carter belonging to the town of Boston, be so marked and numbered by the sealer of wood on some proper part of such cart or sled, as that it may thereby be seen and known what quantity of wood such cart or sled will contain and carry, and the mark and number of each cart or sled shall be registred by the town clerk of said town; and no wharfinger or carter aforesaid shall presume to carry any wood unless for his own fire, in any cart or sled that shall not have been so marked, numbered, and registred, and that shall not have at the time of such carrying the marks and number remaining visible thereon.

Carts or sleds to
be marked and
numbered, &c.

Provided, nevertheless, and it is the true intent and meaning of this act,—

Proviso.

[SECT. 5.] That when any person purchases a quantity of firewood for his own burning, and lands it on any wharfe or landing besides a common wharfinger's, he may employ any cart or carts to carry off the same: *saving only*, that such carter shall not carry within the town of Boston more than six feet at a time, under the penalty of six shillings for each offence. And no greater quantity than six feet shall within the town of Boston be carried at any one time; and every person offending in either of the particulars aforesaid shall forfeit and pay the sum of six shillings for each offence. And if any dispute shall arise between the buyer and seller as to the quantity of wood delivered, and the quantity bought or agreed for; and if on cording and sealing the same at the place of delivery, it shall appear there is not the quantity of wood delivered which was bought or agreed for, the seller shall pay the buyer the costs of c[ord][art]ing and sealing the wood the second time, as also the sum of four shillings for each offence.

Penalty.

And be it further enacted,

Admeasurement of baskets for charcoal.

[SECT. 6.] That all basket[t]s used and improved in measuring charcoal brought into any town for sale, shall contain two bushel[l]s, and be of the following dimensions; viz^t, twenty-one inches in heighth, and nineteen inches in breadth; and every person that shall measure coal in any basket of less dimensions, shall forfeit and pay for each offence the sum of three shillings, and said basket[t] shall be destroyed: *provided, nevertheless*, that no persons shall be obliged to measure coal sold, where the quantity shall be agreed upon by the buyer and seller.

Penalty.

And be it further enacted,

Proviso.

[SECT. 7.] That the selectmen of any town where coal is usually sold, or the major part of them, be and hereby are fully impowered to appoint, as occasion shall require, such meet person as they shall judge proper for seizing and securing all basket[t]s improved for measuring coal that are not of the dimensions aforesaid, and prosecute such person or persons as shall be guilty of the breach of this act.

Selectmen to appoint meet persons to seize deficient baskets for measuring charcoal, &c.

Fines how to be recovered and applied.

[SECT. 8.] All fines and forfeitures arising on the breach of this act may be recovered by bill, plaint or information in any court of record or before any of his majesty's justices of the peace, according to the nature of the offence; one moiety thereof shall be for the informer, and the other moiety for the use of the poor of the town where the offence shall be committed.

Limitation.

[SECT. 9.] This act to be in force for three years from and after the first day of November next, and to the end of the then next sitting of the general court, and no longer. [*Passed February 13; published February 14, 1759.*]

CHAPTER 17.

AN ACT IN FURTHER ADDITION TO AN ACT INTIT[UL]ED "AN ACT FOR EXPLANATION OF AND SUPPLEMENT TO AN ACT REFERRING TO THE POOR," &c.

Preamble.

1740-41, chap. 20,
1741-42, chap. 4.
1749-50, chap. 16.

WHEREAS it sometimes happens that considerable charges arise to some towns in this province by means of their being obliged to take care of lew[e]d women at their lying-in with bastard children, and for nursing and taking care of such bastard children,—