

CHAPTER 27.

AN ACT TO SUPPLY THE TREASURY WITH THE SUM OF FORTY THOUSAND AND FIVE HUNDRED POUNDS.

WHEREAS the great and general court, at their present session, have voted that there be raised, within this government, three thousand men, to be put under the command of General Amherst, to supply such part of the regular forces, in North America, as shall be drawn out of the several forts and garrisons to be employed in some important enterprise; and whereas the additional provision made by this court, at their last session, to defrey the charges incurred by the expedition in the year one thousand seven hundred and sixty, is insufficient to pay off the officers and soldiers employed in said service; therefore,—

Preamble.

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

That the treasurer be and he hereby is directed and impowered to pay the sum of forty thousand and five hundred pounds, out of the publick treasury, being part of the parliamentary grant received by his majesty's ship the Fowey, to recompence this province for their services in the year one thousand seven hundred and fifty-eight; the monies to be drawn for by warrant from the governor, with advice of his majesty's council, agreeable to the following appropriations; that is to say, the sum of twelve thousand pounds, part of the sum of forty thousand and five hundred pounds, to be drawn upon the appropriation for the invasion in the year one thousand seven hundred and sixty, to pay off the officers and soldiers, sick and wounded; the sum of two thousand pounds, part of the aforesaid sum of forty thousand and five hundred pounds, to be drawn upon the appropriation for carrying on the truck trade with the Indians, according to the votes that have been, or shall hereafter be, passed by this court; the sum of seven hundred pounds, part of the aforesaid sum of forty thousand and five hundred pounds, to be drawn upon the appropriation for the payment of the allowance to the officers, for inlisting of men, and to the colonels of the militia, and to such other persons as may be employed by the governor, in paying the bounty; and the sum of twenty-five thousand and eight hundred pounds, the remaining part of the aforesaid sum of forty thousand and five hundred pounds, to be drawn upon the appropriation for bounty for three thousand men: and the secretary to whom it belongs to keep the muster-rolls and accounts of charge, shall lay before the house of representatives, when they direct, such muster-rolls and accounts after payment thereof. [*Passed April 18; published April 21, 1761.*]

Treasurer to pay out £40,500, part of the parliamentary grant.

CHAPTER 28.

AN ACT IN ADDITION TO AN ACT MADE AND PASSED THIS PRESENT YEAR, INTITULED "AN ACT TO PREVENT DAMAGE BEING DONE ON THE MEADOWS AND BEACHES LYING IN AND ADJOINING TO THE NORTH SIDE OF THE TOWN OF HARWICH, BETWEEN SKEKET HARBOUR, ON THE EAST, AND QUIVET HARBOUR, ON THE WEST."

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

[SECT. 1.] That the town of Eastham, in conjunction with the proprietors of the meadows and sedgeground lying to the eastward of

Eastham and Harwich directed to keep

up fence or
watch.
1760-61, chap.
19.

the westernmost point of rocks in said Harwich, shall make and keep up a two-rail fence, during the continuance of this act, on or near the place, as usual, on the east side of Great Skeket harbour—beginning at the land lately of Nathanael Freeman, Esq., deceased, and thence, extending, northerly, on the flatts or sedgeground, near half a mile,—or keep a watch, as the proprietors of each town shall agree.

Provided,—

Prov:so.

[SECT. 2.] That if, at any time, any neat cattle, horses, sheep or swine, shall be found on any of the said meadows or beaches within the town of Harwich, which went through that part of the fence allotted to the town of Harwich to erect and maintain, or at the time when the said town of Harwich should keep a watch, that in such case it shall not be lawful to impound any of the creatures belonging to the said town of Eastham.

Continuance.

[SECT. 3.] This act to continue and be in force for the space of three years from the first day of May, this present year, and no longer. [Passed April 18; published April 21, 1761.]

CHAPTER 29.

AN ACT IN ADDITION TO, AND FOR AMENDING SOME CLAUSES IN, AN ACT MADE AND PASSED IN THE LAST SESSION OF THIS COURT, INTITLED “AN ACT FOR REPEALING THE SEVERAL LAWS IN FORCE, WHICH RELATE TO THE OBSERVATION OF THE LORD’S DAY, AND FOR MAKING MORE EFFECTUAL PROVISION FOR THE OBSERVATION THEREOF.”

Preamble.
1760-61, chap.
20, § 13.
13 Mass. 333.

WHEREAS, in and by the said act, the wardens thereby directed to be chosen are authorized and empowered, within their respective towns and districts, to examine all persons they shall suspect as unnecessarily travelling on the Lord’s Day, and to demand of all such persons the cause thereof, together with their names and places of abode; but no power is, in said act, specially given to those wardens to stop such travelling persons, in order for such examination; whereby the good intent of that act may be easily evaded, and such examination rendered impracticable: wherefore,—

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

Wardens
empowered.

[SECT. 1.] That it shall be in the power of each and every warden and wardens that have already been chosen, or that may hereafter be chosen, in consequence of said act, either by himself, or with such assistance as he shall judge needful to take or call to his aid, forceably to stop, and detain, any person or persons he shall suspect of unnecessarily travelling as aforesaid, for and during such space of time as shall be necessary for demanding the cause or reason of such person’s travelling, his name, and place of abode, and receiving the answers to such demands; and every person examined by any warden or wardens, in consequence of this or the foregoing act, that shall refuse or neglect to give direct answers, shall, on conviction of such his refusal or neglect, forfeit and pay the sum of five pounds, and may be prosecuted and tr[y][i]ed in the same manner as is already provided in said act for giving a false answer. And every person who shall be required to assist and give aid to any warden, that shall refuse or neglect so to do, shall, for every such offence, forfeit and pay the sum of forty shillings: unless such person or persons so refusing or neglecting shall make

Penalty on
offenders.