

hold under them, shall be obliged to pay any part or proportion of the charge towards building a meeting-house, settling the first minister, and the other charges within said town, which the said original proprietors were obliged to perform, either according to the tenor of their grant, or to any agreements already made by or among themselves.

And be it further enacted,

[SECT. 5.] That all assessments of rates and taxes agreed upon by said original proprietors shall be in full force, and may be levied and collected, in like manner as if this act had not been made. [Passed April 21; published April 22, 1761.]

Assessments to be in full force.

CHAPTER 35.

AN ACT FOR PREVENTING THE STEALING AND CLANDESTINELY CONVEYING SHEEP AWAY FROM THE ISLAND OF MARTHA'S VINEYARD IN DUKES COUNTY.

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

[SECT. 1.] That in every town on the island of Martha's Vineyard, in Dukes County, there shall be some meet person, some time in May next, chosen to inspect all such sheep as shall be there purchased to be transported off from said island, which person shall be sworn to the faithful discharge of said office; and no person or persons, whatsoever, who shall, after the tenth day of June next, purchase any sheep on the said island of Martha's Vineyard in order to transport them from thence to any other place, shall presume to carry them off in any vessel or boat, whatsoever, before he or they shall have presented them to, and caused them to be viewed by, the inspector for the town from whence they are to be transported, and shall have shewn to such inspector a certificate, under the hand of each and every person of whom they shall have purchased said sheep, declaring the number and particular mark or marks of all sheep by them sold to such person or persons transporting them as aforesaid.

Inspectors of sheep to be chosen in Martha's Vineyard.

[SECT. 2.] And such inspector is hereby authorized to make a fair entry, in a book to be kept for that purpose, of the said number and marks of such sheep, with the Christian and surname, occupation and dwelling-place, as well of the person or persons of whom the same were last bought, as of the present owners or shippers, and also of the master of the vessel or boat in which they are designed to be transported; and shall deliver a certificate, under his hand, of such entry by him made, unto the shipper, directed to the master of such vessel or boat, by name: for which entry and certificate the said inspector shall demand and receive of the purchaser the sum of one shilling for every score of sheep therein mentioned, and so in proportion for a greater or less number.

Inspector's duty.

And be it further enacted,

[SECT. 3.] That if any person or persons shall, after the publication of this act, presume to ship or transport, from the aforesaid island, any sheep which have not been first viewed and ent[er]red as aforesaid, or if the master or commander of any vessel or boat shall receive, take, or suffer to be received or taken, any sheep, on board the vessel or boat under his command, in order to transport them from off said island, without such certificate as aforesaid, or any other sheep than what agree with the description therein given, every shipper or master so

Penalty for taking off sheep without inspection.

offending shall forfeit and pay, for each and every sheep by him so received or taken on board his said vessel or boat, the sum of twenty shillings; one moiety thereof to be to the use of the poor of the town where the offence is committed, and the other moiety to him or them who shall inform and sue for the same, by action, bill, plaint, information, or presentment of the grand jurors, in any of his majesty's courts, within this province, before whom the same may be cognizable; any law, usage or custom to the contrary notwithstanding.

[SECT. 4.] And the inspector in each town on the aforesaid island is hereby required to take care that this act be duly observed, and to inform of all transgressions thereof.

[SECT. 5.] This act to be in force for the space of one year from the tenth day of June next, and no longer. [*Passed and published April 21, 1761.*]

Inspectors to inform of breaches of this act.

Continuance.

NOTES.—There were four sessions of the General Court this year, at all of which acts were passed. Of the engrossments of these acts the following chapters are missing; viz., 1, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 31 and 32: all, however, were printed; chapters 11 and 18 separately.

Governor Pownall having been recalled, the government devolved on Lieutenant-Governor Hutchinson from June 3, to August 2,—the date of Governor Bernard's arrival. Tidings of a demise of the crown reached Boston, December 27, during the third session of the Assembly. Although the news was unofficially communicated, it was followed, on the 30th, by proclamation of George III., as king, and the Legislature continued its session without prorogation.

The following is the title of the only private act passed this year. It was included with the printed public acts, but there seems no reason for distinguishing it from other private acts which are reserved for the Appendix:—

“An Act to enable the Executors of the last Will and Testament of Sir William Pepperrell, Baronet, deceased, and the other Proprietors of certain Tracts of Land in the Townships of Biddeford and Scarborough to sue for any Trespasses committed upon said Tracts of Land within five years preceeding the present Session of this Court in the present County of York.”—[*Passed April 13; published April 21, 1761.*]

The acts of the first session were duly certified for transmission, July 4, 1760, and those of the second session, August 30, 1760. The date of their delivery to the clerk of the Privy Council, in waiting, does not appear; but, on the 25th of November, they were referred to the committee on plantation affairs, by whom they were, in turn, referred to the Board of Trade two days later. On the 9th of December, the Board, considering that all these acts, except chapters 2, 4, 7, 9 and 13, had expired by their own limitation, ordered these five, only, to be referred to Sir Matthew Lamb, “for his opinion thereupon in point of Law.” Sir Matthew Lamb having reported, May 19, 1761, that he had no objection, &c., to these acts, they were again considered by the Board, on the 22d, and “ordered to lye by probationary, until the further effect & operation of them sh^d be known.” No record of further action on these chapters has been discovered.

The acts of the third session were duly certified for transmission, February 28, 1761, and, on the 30th of May, they were delivered to the clerk of the Privy Council, in waiting. They were referred to the committee on plantation affairs, June 25th, and, four days later, referred to the Board of Trade, to examine and report, &c. The Board of Trade referred them to Sir Matthew Lamb, “for his opinion thereupon in point of Law,” November 11, 1761. Sir Matthew Lamb reported, January 22, 1762, that he had no objection, &c. This report was received by the Board, on the 26th; and, on the second of February, the Board ordered that such of these acts “as are not expired should lye by probationary until the further effect and operation of them should be known.” Chapters 16, and 18, were specially considered, as will be seen in the notes to those acts respectively, but no record of further action on the remaining acts of this session has been discovered.

The acts of the fourth session, including the private act above described, were duly certified for transmission, June 18, 1761, but were not delivered to the clerk of the Privy Council, in waiting, until the 19th of September following. On the 24th, they were referred to the committee on plantation affairs, and, the next day, referred to the Board of Trade, where they were considered, January 13, 1762, and ordered to be sent to Sir Matthew Lamb, for his opinion, &c. Sir Matthew's report, dated May 22, 1762, was read and considered by the Board, June 9, 1762, but, although he submitted the objections hereafter given, in notes to chapters 25, 33 and 34, the Board passed an order that all the acts of this session “should lye by probationary, until the further operation and effect of them should be known,” which is the last action upon them that has been discovered in the Public-Record Office.

Chap. 3. In the campaign of 1757, as has been shown (note to 1757-58, chap. 30, and 1759-60, chap. 16, *ante*), the Crown furnished, through contractors, the subsistence of the provincial forces; and this being all that was promised by Mr. Secretary Fox, and by his successor, Mr. Pitt, in his letter of February, 1757, no claim