

on the twentieth day of August, one thousand seven hundred and seventy-one.

And whereas the people called Quakers profess to be, in their consciences, scrupulous of taking a * oath in the form by law required, —

Be it therefore enacted,

[SECT. 7.] That all such people who call and profess themselves Quakers, on giving, in writing as aforesaid, a true account of his or her rateable estate and improvements, agreeable to the aforesaid act, shall, instead of taking the oath in form aforesaid, if required, be permitted to make his or her solemn affirmation or declaration, in the words following; viz.,—

You, C. D., do solemnly and sincerely affirm and declare, under the pains and penalties of perjury, that the account now exhibited by you, is, to the best of your knowledge and judgment, a full account of all your rateables, agreeable to the list now exhibited to you.

[Passed July 4†; published July 5.]

CHAPTER 4.

AN ACT TO PREVENT DAMAGE BEING DONE TO THE PROPRIETORS OF THE MEADOW, UPLAND AND BEACH, CALLED GREAT AND LITTLE SCIPUISZET, IN THE TOWN OF FALMOUTH AND COUNTY OF BARNSTABLE.

WHEREAS divers persons have made it their practice to mow the beach-grass between Hogg Island and the land of David Shiverick, and to turn in cattle and horses to graze on said beach, whereby said beach is broken, and the sand is blown on said meadow and upland, and the harbour adjacent partly filled up with sand, to the great damage of said propriety, and, unless speedily prevented, there is reason to fear that the land and meadow adjoining to said beach will be entirely ruined, and the said harbour filled with sand; for remedy whereof, —

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

[SECT. 1.] That from and after the publication hereof, no person or persons shall presume to turn, or drive on, any neat cattle, horse-kind or sheep, upon the beach called Great and Little Scipuiszet Beach, or upon the meadow or upland adjoining, on penalty of ten shillings an head for neat cattle or horses, and three shillings for each sheep, that shall be turned in on said beach, meadow or upland; which penalty shall be recovered by one or more of said proprietors, to be chosen in manner as shall be hereafter expressed, or any other person that shall inform or sue for the same; one half of said forfeiture to him or them that shall inform or sue for the same, the other half to be and for the use of the said town of Falmouth.

And be it further enacted,

[SECT. 2.] That if any neat cattle, horse-kind or sheep shall, at any time, be found feeding on said beach, meadow or upland, that it shall and may be lawful for any person to impound the same, immediately giving notice to the owner or owners of the same; and the poundkeeper shall relieve the said creatures with suitable food and

* Sic.

† Signed July 5, according to the record.

water while impounded; and if the owner thereof appear, he shall pay two shillings and sixpence for each neat beast or horse, and eightpence for each sheep, and the reasonable cost of relieving them, besides the poundkeeper's fees; and if no owner appear within the space of three days, to redeem the said cattle, horse-kind or sheep so impounded, and to pay the cost and damage occasioned by impounding the same, then and in every such case the person impounding such cattle, horse-kind or sheep, shall cause the same to be sold at public vendue, and pay the cost and charge arising about the same,— public notice of the time and place of such sale being given in the said town of Falmouth, and in the towns of Barnstable and Sandwich, forty-eight hours beforehand; and the overplus, if any there be, arising by such sale, to be returned to such owner or owners of such cattle, horse-kind or sheep at any time within twelve months next after such sale, upon his demanding the same; but if no owner appear within twelve months, then the said overplus shall be, one half to the person impounding, and the other half to be returned to the treasurer of the said town of Falmouth, for the use of the poor of said town.

Provided,—

Proviso.

[SECT. 3.] Nothing in this act shall be construed to prevent any of the owners of said beach, meadow and upland, or any improving under them, from turning on the horse they ride, or cattle improved in their teams, to feed on said beach, meadow or upland while they are cutting or carting their hay off said beach or meadow.

Preamble.

And whereas sundry disorderly and evil-minded persons have, of late years, unnecessarily departed from the ancient cartway, and drove their loaded teams in different places over the said beach and meadow, to the great hurt and damage of said proprietors, —

Be it therefore further enacted,

Loaded teams to be driven in the ancient way.

[SECT. 4.] That from and after the publication of this act, whoever shall presume to drive, or suffer to be drove, their loaded team or teams over said beach or meadow, in any other than the ancient known and common way over the same, shall forfeit and pay the sum of ten shillings, to be recovered and applied in manner as is expressed in this act.

And be it further enacted,

Penalty for mowing grass on said beach.

[SECT. 5.] That if any person or persons, from and after the publication of this act, shall presume to mow any of the beach-grass upon the aforementioned beach between Hogg Island and the lands of David Shiverick, he or they shall, for every such offence, forfeit the sum of forty shillings; to be recovered and applied in the same manner as is before expressed in this act.

And be it further enacted,

Persons to be annually chosen to prevent breaches.

[SECT. 6.] That it shall be in the power of said proprietors, at a meeting to be holden some time in the month of March, annually, to chuse one or more person or persons whose duty it shall be to see this act executed, and to prosecute the breakers thereof, who shall be sworn to the faithful discharge of their office; and in case any person so chosen shall refuse to be sworn, he shall forfeit and pay the sum of ten shillings for the use of the poor of the town of Falmouth; and upon said refusal said proprietors may proceed to a new choice of such officer or officers: and the said propriety, at a meeting warned for that purpose, may, at any time, chuse such officers, who shall continue in their said office till their next annual meeting in March.

And be it further enacted,

Notice to be given.

[SECT. 7.] That it shall be in the power of any five or more of said propriety to call a meeting, by posting up notification thereof.

under their hands, at least fourteen days beforehand, in some public place in said town, for the several purposes before mentioned.

[SECT. 8.] This act to be in force for the space of seven years from the publication thereof, and no longer. [Passed July 4*; published July 5.] Continuation.

CHAPTER 5.

AN ACT IN ADDITION TO THE SEVERAL ACTS OR LAWS OF THIS PROVINCE, IMPOWERING THE SELECTMEN OR OVERSEERS OF THE POOR OF TOWNS TO BIND POOR CHILDREN APPRENTICES.

WHEREAS the acts or laws of this province, heretofore made, empowering the selectmen or overseers of the poor of the several towns in this province to place and bind poor children apprentices, do not empower them to bind and place any poor children apprentices other than such as belong to, and are chargeable for support on, the particular towns for and by which such selectmen or overseers are chosen; and whereas it often happens that poor children and minors do come, or are brought into, and found dwelling in, towns to which they do not belong, and thereby much charge and expence is occasioned and incurred, either for the removal of such children and minors to the places where they belong (either within or without the province), or for their support in the places where they are found, when, at the same time, they might be placed and bound apprentices in the towns where they are found dwelling, as much to their own benefit, and the benefit of the public, as in any other place, —

Preamble.
1740-41, chap. 20.
1741-42, chap. 4.

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

[SECT. 1.] That from and after the first day of August, one thousand seven hundred and seventy-one, it shall be lawful for the overseers of the poor of any town or district within this province where any poor children or minors, whether male or female, shall come, be left, or found dwelling, whose circumstances shall be such as to require that such town or district should incur any immediate expence, either for their support [or] in order to their removal; and such overseers are hereby fully empowered, with the assent of two justices of the peace for the county in which such town or district lyes, from time to time, to place and bind apprentices, any such poor children or minors (although such poor children or minors are not by law the proper charge of such town or district), for their support in case they should stand in need: *provided*, such poor children and minors shall be, at the time of placing and binding them apprentices, in other respects, in such circumstances as that, if they belonged to such town or district where they shall be found, they would be subject and liable, by virtue of any act or law of this province heretofore made and yet in force, to be placed and bound apprentices by such overseers of the poor.

Overseers, with the consent of two justices, empowered to bind poor children.

Provided, also,—

[SECT. 2.] That the males shall not be bound for a longer term than until [l] they [shall] come to the age of twenty-one years, and the females shall not be bound for a longer term than until [l] they shall

Ages ascertained.

* Signed July 5, according to the record.