

before condemnation by the said enemy thereon had, the said judge shall order such vessel, with her cargo and appurtenances, to be sold in manner aforesaid; and shall adjudge to the captors one eighth part of what she shall sell for (after deducting charges of trial and sale), if the same hath been in possession of the enemy not more than twenty-four hours; one fifth part if more than twenty-four or less than forty-eight hours; one third part if more than forty-eight or less than ninety-six hours, and one-half if more than ninety-six hours, and the residue to be deliver'd to the owner or owners of such vessel; and if such vessel so retaken shall have been condemned by the enemy, then the money she and her cargo and appurtenances may sell for, shall be deliver'd to the captors, as is above provided for vessels belonging to the said enemy.

And be it further enacted,

[SECT. 16.] That the claimants or owners of any vessel or vessels that shall be taken and, after trial, acquitted, shall be barred from having any action or process for damage, against the captor or captors of such vessel and vessels, in all cases where the judge shall certify there was probable cause to suppose the said vessel or vessels was employed, or the owner, master or supercargo was offending, as aforesaid.

And be it further enacted by the authority aforesaid,

[SECT. 17.] That each judge of such courts shall appoint an able clerk, who shall keep a true and fair record of all the proceedings of said court, and shall be duly sworn to act in said office with truth and fidelity, and his attestations shall be received as evidence in all courts of law. [*Passed February 14, 1776.*]

CHAPTER 16.

AN ACT FOR THE CARRYING INTO EXECUTION A RESOLVE OF THE AMERICAN CONGRESS, FOR ASCERTAINING THE NUMBER OF INHABITANTS IN THIS COLONY.

Preamble.

WHEREAS the American Congress have recommended to the several assemblies, conventions, councils, and committees of safety, of the respective colonies, to as[s]ertain, by the most impartial and effectual means in their power, the number of inhabitants in the colonies respectively, —

Be it enacted by the Council and House of Representatives in General Court assembled, and by the authority of the same,

Selectmen to
take an account
of the in-
habitants.

[SECT. 1.] That the selectmen who shall be chosen in each town within this colony for the year one thousand seven hundred and seventy-six, at their annual meeting, in March, shall take an exact account of the number of inhabitants of all ages, including negroes and molattoes (distinguishing the number of each), resident in their respective towns and belonging to this colony on the twentieth day of March aforesaid, and all soldiers and seamen in the service of the Continent, or of this colony, who are to be considered as inhabitants of the towns to which they belonged, respectively, when they entered the said services, and that they shall make return of the same into the secretary's office of this colony on or before the last day of June next; and every selectman refusing or neglecting his duty [t]herein, shall

forfeit and pay, as a fine, for the use of this colony, the sum of four pounds, to be recovered by indictment or presentment of the grand jury for the counties where such selectman shall belong, whose duty it shall be to make strict [e][i]nquiry and presentment of every default in the performance of the duties required by this act.

And be it further enacted,

[SECT. 2.] That in case any parent, master, or mistress of any family in this colony shall refuse to give, or shall not cause to be given, a just and true account of the number of persons in his or her family, when required by one or or* more of the selectmen of the town to which he or she shall respectively belong, such parent, master or mistress shall forfeit to the use of this colony the sum of forty shillings, to be recovered by complaint before any justice of the peace for the county where the offender dwells; which justice is hereby impowered to hear and try the same.

Penalty for any parents, &c., refusing to give an account of the number in their families.

And be it further enacted,

[SECT. 3.] That each selectman shall be allowed and paid, by the town to which he shall belong, the sum of four shillings for each day he shall be employed in the performance of the duty required of selectmen by this act.

Allowance to the selectmen.

And be it further enacted,

[SECT. 4.] That the number of the persons in such unincorporated plantations, within this colony, which are contiguous to any town or towns, and which heretofore have been asses[s]ed to public[k] taxes by the assessors of any neighbouring towns, shall be taken and returned by the selectmen of that town the asses[s]ors whereof have been wont to assess such unincorporated plantation.

Unincorporated plantations to render an account of their inhabitants.

And, for the obtaining a full and true account of the number of persons, belonging to this colony, not resident in any of the towns or places above mentioned, —

Be it enacted by the authority aforesaid,

[SECT. 5.] That Asa Douglas[s], of Jericho, Esq^[r], Mr. Goodrich, of Ashewlet Equivalent, Joseph Bennet, of New Providence, Esq^[r], Mr. J[oh]n^[o]. Hambleton, of New Ashford, Mr. Peletiah West, of Glassworks, Col^[o]. John Fellows, of Sheffield, be, and they hereby are, appointed a committee to take and return such account of all the inhabitants in the county of Berkshire, dwelling without the bounds of any of the towns or plantations in the said county last above specified; and that Col^[o]. David Wells be, and he hereby is, appointed a committee to take and return an account of the number of the like inhabitants of the county of Hampshire; and that Mr. Simon Fry, Major Ichabod Goodwin, and William Bradbury, be and hereby are appointed a committee to take and return an account of the number of the like inhabitants in the county of York; and that Mess^[ieu]rs David Barker, George Freeman, John Nash, Isaac Parsons, and Phine^[h]as Frost, be and hereby are appointed a committee to take and return an account of the number of the like inhabitants in the county of Cumberland; and that Ezekiel Pettis, Esq., Col^[o]. William Jones, Mr. James Minot, Col^[o]. Jonathan Buck, and Col^[o]. Alexander Campbell, be and hereby are appointed a committee to take and return an account of the number of the like inhabitants in the county of Lincoln. And the members of each of the said committees, shall and hereby are impowered to act severally in the said bus[s]i-ness, and each one of them shall take and return the number of all

* Sic.

such inhabitants as dwell on such particular and several districts or divisions of land in the said counties of Berkshire, Hampshire, York, Cumberland and Lincoln, as shall be agreed on and determined by the said committees, respectively.

And be it enacted,

Penalty for heads of families refusing to give a just account of the numbers in their families.

[SECT. 6.] That the parent, master or mistress of any family, the number whereof is by this act to be taken by such committee, who shall refuse to give a just and true account of the number of his or her family, shall forfeit and pay the like sum, to the like use, and be recovered in the like manner as before in this act is provided to be forfeited by, and recovered of, the heads of families dwelling in towns who shall refuse to give a true account of the number of his or her family to the selectmen of the town to which they belong.

And be it further enacted,

Selectmen and committees to be under oath.

[SECT. 7.] That each and every one of the selectmen, and [of] the committees abovesaid, shall, before they enter upon the service aforesaid, take the oath or affirmation hereinafter prescribed, before some justice of the peace for the county, or the town clerk of the town to which such selectmen or committee shall, respectively, belong; who are hereby respectively impowered to administer the same.

And be it further enacted,

[SECT. 8.] That the oath or affirmation to be administered to each of the said selectmen and committees, shall be, *mutatis mutandis*, in the form following; viz^{ed}, —

Form of the oath.

You, A. B., do solemnly sw[e]ar[e] that you will faithfully and truly execute and perform the duty and service required of you by one act or law of this colony, [e][t]ntitled “An Act for the carrying into execution a resolve of the American Congress, for as[s]certaining the number of inhabitants in this colony.” So help you God. [*Passed February 16, 1776.*]