

session in June, one thousand seven hundred and seventy-seven; and to be paid into the public treasury on or before the thirty-first day of March, one thousand seven hundred and seventy-eight.

And be it further enacted,

[SECT. 4.] That if the general court at their session in June, one thousand seven hundred and seventy-seven, and some time before the twentieth day of July in said year, shall not agree and conclude upon an act apportioning the sums which by this act are engaged to be paid in said year, apportioned, assessed, and levied, then and in such case each town and district in this colony shall pay, by a tax to be levied on the polls, and estates both real and personal within their limits, the same proportion of the said sum as the said towns and districts were taxed by the general court in the tax then last prece[e]ding.

Treasurer empowered to issue his warrants.

[SECT. 5.] And the colony treasurer is hereby fully impowered and directed, some time in said month of July, one thousand seven hundred and seventy-seven, to issue and send forth his warrants, directed to the assessors or selectmen of each town and district within this colony, requiring them to assess the polls, and estates both real and personal, within their several towns and districts, for their respective parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasur[y][er] on the aforementioned time; and the assessors, as also all persons assessed, shall observe, be govern[e]’d by, and subject to, all such rules and directions as shall have been given in the then last prece[e]ding tax act.

And be it further enacted,

[SECT. 6.] That the said sum of one hundred thousand pounds, and each part thereof, shall be, when so borrowed, appropriated to the payment of such warrants as the council shall, from time to time, draw on the said treasury, for defreying the charges of the war and government agreeable to the grant of the general assembly. [*Passed July 2.*]

How to be appropriated.

CHAPTER 5.

AN ACT IMPOWERING THE JUSTICES OF THE COURT OF GENERAL SESSIONS OF THE PEACE IN THE SEVERAL COUNTIES IN THIS COLONY TO PERMIT ONE OR MORE INOCULATING HOSPITALS TO BE ERECTED IN EACH OF THE SAID COUNTIES.

WHEREAS the American army has of late been visited with the small-pox, and the inhabitants of the several towns in this colony are thereby greatly exposed to the infection of that malignant distemper, and as it has been found by long experience that such as have that distemper by inoculation have it in a very moderate degree, and therefore the permitting of hospitals, under proper regulations, to be erected for the purpose of inoculation may tend greatly to the preservation of the lives of the good people of this colony, —

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

[SECT. 1.] That the justices of the court of general sessions of the peace, in the several counties within this government, be and hereby are impowered, if they see cause, at any one of their quarterly

sessions, or at any other session which any two of said justices, *quorum unus*, may call for that purpose, and which they are hereby empowered to call accordingly, to allow of and permit one or more inoculating hospitals to be erected and established in the county whereof they are justices, under such regulations and restrictions as they, or the major part of them, may agree upon and order, and in such place in said county as they, or the major part of them, may judge will be most for the convenience and safety of the inhabitants of said county.

And be it further enacted by the authority aforesaid,

[SECT. 2.] That no person shall presume to inoculate or be inoculated at any place within this colony but at one of the inoculating hospitals that may be erected or established by the permission of the justices of the court of general sessions of the peace in some one of the counties of this colony, on the penalty of fifty pounds for each offence; one half for the informer, and the other half for the use of the poor of the town or plantation where such offence shall be committed: to be sued for and recovered by bill, plaint or action, in any inferior court of common pleas, or by information, presentment or indictment, in any court of general sessions of the peace, or in any superior court of judicature, &c., held within such county wherein such offence shall be committed; and if the party be unable or refuses to pay such fine, then to be punished by whipping, not exceeding thirty stripes, or by imprisonment, not exceeding the term of six months, at the discretion of the court.

Provided, always, —

[SECT. 3.] That this act shall not be understood to extend to persons who may inoculate or be inoculated in any town where more than twenty families are known, at the time of his inoculation, to be visited with the small-pox at one and the same time.

Provided, also, —

[SECT. 4.] That this act do not take place or be in force before the third day of August next. [*Passed July 4.*]

CHAPTER 6.

AN ACT FOR THE REPEALING AND MAKING VOID ONE CLAUSE OF AN ACT, MADE AND PASSED IN THE YEAR OF OUR LORD ONE THOUSAND SEVEN HUNDRED AND SEVENTY-TWO, INTITLED “AN ACT FOR ALTERING THE TIME OF HOLDING THE COURT OF GENERAL SESSIONS OF THE PEACE, AND INFERIOR COURT OF COMMON PLEAS, IN THE COUNTY OF CUMBERLAND, FROM THE THIRD TUESDAY OF APRIL, AND THIRD TUESDAY OF OCTOBER, TO THE LAST TUESDAY OF MARCH, AND THE LAST TUESDAY OF OCTOBER, ANNUALLY; AND FOR ESTABLISHING ONE OTHER COURT OF GENERAL SESSIONS OF THE PEACE, AND INFERIOR COURT OF COMMON PLEAS, TO BE HELD IN SAID COUNTY, ANNUALLY, FOR THE FUTURE.”

WHEREAS by the said act it is enacted, that from and after the first day of January then next following, another court of general sessions of the peace and inferior court of common pleas, shall be holden at Falmouth, within and for the said county of Cumberland,

Preamble,
1772-73, chap. 2.