

and who are now a part of the militia of this state, from being consider[*e*]’d to belong to said militia, or to excuse or exempt them from being obliged to march for any other purpose, in defence of this or the other states of America, according to the modes prescribed by the laws of this state made and provided for the regulation of the militia therein.

And it is further provided and enacted,

The council empowered, in the recess of the general court, to call out so many of the battalions formed as shall appear to be necessary upon any emergency.

[SECT. 18.] That if any part of said persons so appointed, and not the whole of them, shou[*t*]’d be needed for the purpose and service aforesaid, upon any emergency, in the recess of the general court, the council shall be and hereby are fully impowered to call out such and so many of the bat[*t*]alions, formed as aforesaid, as shall appear to the said council to be necessary; and that each bat[*t*]alion, of said quarter part, shall be held to serve three months from the time of their marching, respectively; and that the marching of some of the bat[*t*]alions shall not be construed a release of the residue, that shall be formed in consequence of this act, from the duties herein required.

And it is enacted by the authority aforesaid,

[SECT. 19.] That this act shall be held to be in full force, any law of this state to the contrary notwithstanding. [*Passed November 14**.]

CHAPTER 22.

AN ACT FOR ESTABLISHING A NAVAL OFFICE AND FOR ASCERTAINING THE FEES.

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

Towns where a naval office shall be kept, for entering and clearing all vessels.

[SECT. 1.] That in the several seaports of Boston, Salem, Marblehead, Gloucester, Newburyport, York, Pepper[*r*]elboro[*'*ugh], Falmouth in Caseo Bay, Townsend, Penobscot, Goldsborough, Machias, Plymouth, Barnstable, Dartmouth and the island of Nantucket, within this state, there be an office kept, to be called and known by the name of the naval office, for the purpose of entering and clearing of all ships and other vessels trading to or from this state, to take bonds, in adequate penalty, for observing the regulations made or which shall be made by the General Congress, or the general assembly of this state, concerning trade, take manifests, upon oath, of all cargoes exported or imported, and keep fair accounts and entries thereof, give bills of health when desired, and sign certificates that the requisites for qualifying vessels to trade have been complied with.

Fees of said office, established.

[SECT. 2.] And the fees to be demanded and received in the said office shall be these following, and no greater; that is to say, —

| | |
|--|----------|
| For entering every ship and vessel from any part of this state, two shillings, | £. s. d. |
| | [0 2 0] |
| For clearing every ship and vessel to any part of this state, two shillings, | [0 2 0] |
| For entering every ship and vessel from any other of the United States upon this continent, six shillings, | [0 6 0] |

* Signed November 15, according to the record.

| | £. | s. | d. |
|--|----|----|----|
| For clearing every ship and vessel to any of the United States upon this continent, six shillings, . . . | [0 | 6 | 0] |
| For entering every ship or vessel from a foreign voyage, six shillings, | [0 | 6 | 0] |
| For clearing every ship or vessel for a foreign voyage, six shillings, | [0 | 6 | 0] |
| For every register, six shillings, | [0 | 6 | 0] |
| For indorsing every register, one shilling, and for recording the same, one shilling and sixpence, . . . | [0 | 2 | 6] |
| For every bond, two shillings, | [0 | 2 | 0] |
| For a certificate to cancel bond, one shilling, . . . | [0 | 1 | 0] |
| For a bill of health, two shillings, | [0 | 2 | 0] |
| For every permit to unload from any of the United States of America, or from a foreign port, one shilling, | [0 | 1 | 0] |
| For a cocket, three shillings, | [0 | 3 | 0] |
| For every let-pass, eightpence, | [0 | 0 | 8] |

And be it further enacted by the authority aforesaid,

[SECT. 3.] That every ship or vessel which shall arrive in any harbo[u]r or place within this state, from any port not within this state, shall, before breaking bulk, duly enter at the naval office at or nearest the port where said ship or vessel shall unlade, upon penalty of forfeiting such part of her cargo as shall be unladen before entry, as aforesaid, to the use of this state; and any naval officer of this state is hereby authorized and impowered to take and seize such goods, wares and merchandizes, unladen before entry as aforesaid, wheresoever the same may be found.

To empower the naval officer to seize vessel and cargo that shall break bulk before entry.

And be it further enacted by the authority aforesaid,

[SECT. 4.] That no ship or vessel shall be permitted to sail out of any port, harbo[u]r or place within this state, and to proceed to sea, without having first duly cleared out at the proper naval office, and obtained a certificate thereof from the naval officer in the port where such ship or vessel may be, or, in case there shall be no naval officer in the port where such vessel may be, from the naval officer nearest thereunto; and every ship or vessel which shall presume and attempt to depart from any port, harbour, or place within this state without having duly cleared out, and obtained such certificate thereof as aforesaid, shall, upon conviction thereof, with her cargo and appurtenances, be forfeited to the use of this state.

No vessel to be permitted to depart this state without a regular clearance.

Provided, always, —

And be it further enacted by the authority aforesaid,

[SECT. 5.] That no ship or vessel employed in the fishing business, or in carrying wood or lumber coastways, shall be subjected to any of the aforesaid regulations, except that of taking out a register; and the owner or master of all such ships or vessels employed as aforesaid, and of all boats and lighters above the burthen of ten tons, employed in transporting goods, shall once every year enter into good and sufficient bonds, at one of the said naval offices, to the treasurer or receiver-general of this state, in the penal sum of five hundred pounds, with condition to observe, keep and obey all acts or resolves, either of the Continental Congress or of this state, respecting trade and navigation, and not to counteract or break any of them. And the owners or master of all such ships, vessels or boats, shall take a certificate thereof from the naval officer who shall take such bond[s]; which officer shall be entitled to demand and receive for such bond and certificate, and the entry thereof, twelve shillings, and no more:

Coasting not to be subjected to the aforesaid regulations.

Coasters, once a year, to give bond to the naval officer; —penalty.

Certificate.

and such ship, vessel or boat the owner or master whereof shall not have entered into such bond, and taken out such certificate thereof, shall be forfeited to and for the use of this state; and such certificate shall be deemed a full sufferance and clearance for the same vessel or boat to pass and repass from any port, harbo[u]r or place, to any other harbo[u]r or place within this state, for the term of one year from the date of the bond therein referred to, and no longer.

And be it further enacted by the authority aforesaid,

To empower the naval officer to prosecute for the same.

[SECT. 6.] That the naval officer within whose district any offences against this act shall be committed, shall be and hereby is empowered to prosecute for the same, in case it be for the forfeiture of a penal sum, by action of debt, in the inferior court of common pleas, in the county where he resides; and if for a forfeiture of goods or vessel, in the maritime court in the district wherein such offence against this act has been committed, by filing a libel in the said maritime court, the justice of which shall be tried in like manner and form as maritime causes are triable in the said court; and either party shall have liberty to appeal from the judgment of the maritime court, to the sup[erio]r court of judicature, &c., next to be held within the district of the same maritime court; and all maritime causes entered in the superior court of judicature, &c., shall, if continued therein, be continued over to the superior court of judicature, &c., next to be held within the district of the maritime court wherein such cause was first tried and determin[e]’d: *provided, always,* that in the eastern district (in which there are but two superior courts held in a year, and those within fourteen days of each other) the said sup[erio]r court may, for a more speedy determination of any maritime cause there ent[e]’red, upon the agreement of the parties, or their attorneys, continue the same to any other session of the said superior court within this state.

And be it further enacted by the authority aforesaid,

Penalty.

[SECT. 7.] That if any master or commander of any ship or vessel shall fraud[ul]terly exhibit to any naval officer a false manifest of any inward or outward bound cargo, or, in any manifest of a cargo that he shall exhibit, shall knowingly omit any part of the same, and being convict thereof, in any court of record within the county where such naval office is kept, shall forfeit and pay the sum of ten pounds; one moiety to the naval officer, who is hereby authorized and empowered to sue for the same, and the other moiety to the use of this state, with full costs of suit.

The naval officer empowered to sue for the same.

And be it further enacted by the authority aforesaid,

Naval officer to give bond to the treasurer of this state.

[SECT. 8.] That every person who shall be nominated and appointed to discharge and execute the duties of a naval officer in consequence of this act, before he enter upon the duties thereof, shall give bond, with sureties, to the treasurer of this state, in the sum of five hundred pounds, for the faithful discharge of the trust reposed in him, and also [to] take the oath other civil officers in this state are by law obliged to take, before two of the council, or such other as the council, by *dedimus*, shall empower to administer the same.

And be it further enacted by the authority aforesaid,

List of fees, where posted up.
Penalty for refusing to clear.

[SECT. 9.] That every naval officer nominated and qualified for discharging the duties thereof, shall have a list of fees hanging up in his office, upon the penalty of ten pounds; and any person employed in said office that shall demand and take any greater fees than by this act is allowed, or shall illegally delay or defer the entering or clearing any ship or other vessel, such officer, so offending, shall be

liable to double costs and damages, being thereof duly convicted in any court of record within this state.

And be it further enacted by the authority aforesaid,

[SECT. 10.] That all ports, creeks and havens within this state, at which no naval officers are by this act establish[e]’d, shall be consider[e]d as belonging to the next or nearest port at which a naval office is by this act establish[e]’d; any usage or custom to the contrary notwithstanding. [*Passed November 20.*]

Ports, creeks, etc., where there is no naval officer, how to be considered.

CHAPTER 23.

AN ACT TO CONFIRM THE TITLES OF BENJAMIN TITCOMB AND DAVID RICHARDSON, TO A CERTAIN THIRTY-ACRE LOT OF LAND IN PEARSONTOWN, SO CALLED, IN THE COUNTY OF CUMBERLAND, ORIGINALLY LAID OUT FOR A SCHOOL LOT; AND TO CONFIRM TO THE INHABITANTS OF SAID PEARSONTOWN, CERTAIN OTHER LANDS VOTED AND GRANTED FOR THE SUPPORT OF A SCHOOL, BY THE PROPRIETORS OF SAID TOWNSHIP, IN LIEU OF SAID LOT, AND AS AN EQUIVALENT THEREFOR.

WHEREAS it appears to this court that the proprietors of Pearson- town, so called, in the county of Cumberland, were under a necessity, in the infancy of the settlement of that township, in time of an Indian war, and as the only means to prevent the breaking up the settlement, to take up a certain thirty-acre lot of land there, lying near where the fort, there, formerly stood, and near where the meeting-house, there, stands, — one side thereof adjoining the north-east side of the north-[we][ea]st road there, another side adjoining the south-east side of the north-[ea][we]st road, another side adjoining on lot No. 38, and the other side adjoining on lot No. 122, as the same is delineated on the plan of said township in custody of the proprietors’ clerk, (originally laid out for a school lot), and to divide it into five-acre lots, to accommodate the settlers and bring them near together, and near to said fort; and that the persons placed upon those lots, by their labor and industry, in danger of their lives, clear[e]’d and brought the same into a state of cultivation and improvement, and, apprehending they had thereby acquired an equitable title thereto, have since sold and disposed of the same, and that now, through several mean conveyances, twenty acres, the south-west part of said thirty-acre lot, are claimed, by purchase, by Benja[*min*] Titcomb of Falmouth, in the county of Cumberland, gentleman, and the other ten acres thereof, by David Richardson of said Pearsonstown, yeoman; *and whereas* it appears further, that the proprietors aforesaid, at a legal meeting on the fifteenth day of July, A.D. 1776, voted and granted other lands for the use of a school; viz., three thirty-acre lots there, numbered, on said plan, one hundred twenty-nine, one hundred [and] thirty-four and one hundred thirty-five; a strip of land there, containing thirty acres, more or less, lying between the hundred-acre lot, in the first division of hundred-acre lots, numbered seventy-one, and the two thirty-acre lots numbered one hundred and thirty-three, and one hundred and forty; and another piece of land, containing fifty acres, more or less, bounded, south-westerly, by Saco River; north-easterly, by the hundred-acre lot, in the first division of hundred-acre lots, numbered seventy-

Preamble