

CHAPTER 4.

AN ACT FOR REGULATING THE SOLDIERS IN HIS MAJESTY'S SERVICE,
AND IN THE PAY OF THIS PROVINCE.

Be it enacted by His Excellency the Governour, Council and Represent[ati]ves in General Court assembled, and by the authority of the same,

[SECT. 1.] That any cloathing, or other things belonging to any soldier actually in the service, pawned, truckt, bartered or altered from one person to another, shall be restored and made good, without any price or redemption therefor to be rendred or given; and the person offending in making such pawn, truck or barter, and in accepting and receiving the same, shall be punished by lying in the bilboas not exceeding twelve hours, or some other proper military punishment, where they are both in the service.

Soldiers prohibited to pawn or barter their clothes, &c. 1724-25, chap. 5, § 6. Punishment.

And be it further enacted by the authority afores[ai]d,

[SECT. 2.] That if any person whatsoever shall trust or give credit to any soldier during his being actually in the service, for cloathing or other things whatsoever, no process shall be granted or served on such soldier for any debt so contracted, until[1] he be dismiss the service; and every writ or process granted or served contrary hereunto, shall be deemed and adjudged void in law, and of none effect. And any justice of the peace within the county where any soldier is committed and restrained, upon process granted for debt or pretention of debts made as afores[ai]d, upon certificate from the captain or ch[ie]f officer, under whose command such soldier is, that he is actually in his majesty's service, shall forthwith order his release from his confinement to return to his duty; any law, usage or custom to the contrary notwithstanding.

Credit forbidden to any soldier while in the service.

[SECT. 3.] This act to continue and be in force for the space of five years from the publication thereof, and from thence to the end of the session of the general court then next following, and no longer. [Passed April 2; published April 5, 1731.]

Limitation to 1736.

CHAPTER 5.

AN ACT TO PREVENT DECEIT IN THE GAGE OF CASK.

WHEREAS his majesty's good subjects within this province are greatly damaged in the make and measure of their cask, and particularly those of rum and molasses, inasmuch as the hogsheads and other cask, which ought to answer the gage by the rod, have been proved, and upon trial in their drawing off, there hath been wanting seven or eight gallons, and sometimes more, in a hogshead, which persons are obliged to pay for, more than they really receive; for remedy whereof,—

Preamble. 1692-3, chap. 17, § 1. 1718-19, chap. 16.

Be it enacted by His Excellency the Governour, Council and Represent[ati]ves in General Court assembled, and by the authority of the same,

[SECT. 1.] That all rhum and molasses in cask of all sorts, from a barrel and upwards, that shall be exposed to sale, be mathematically gaged by Gunter scale, and the quantity said cask can contain, being full, to be set and marked on one head, by the gager, with a marking-iron; and the said gager shall demand and receive of the owner or

Rum and molasses cask to be gauged mathematically.

owners of such rum or molasses sixpence for every cask by him gaged as aforesaid, and no more.

And be it further enacted by the authority aforesaid,

General sessions to choose gaugers.

[SECT. 2.] That the justices of the peace, at their first general sessions in each respective county of this province, from the publication of this act, and afterwards, yearly, shall, in every town where there shall be occasion, chuse and appoint a fit person or persons to be a gager or gagers, who shall be sworn to the due execution of their office by one of his majesty's justices of the peace within the same county, in the words following; viz.,—

Gaugers' oath.

You, A. B., being appointed a gager according to law, do swear, that you will, from time to time, diligently and faithfully discharge and execute the office of a gager within the limits whereto you are appointed, for the ensuing year and until another be chosen and sworn in your place; and that by and in all the particulars mentioned in the law whereto your office hath relation, you will do therein impartially, without fear or favour. So help you God.

Penalty for selling without being gauged, &c.

[SECT. 3.] And every person or persons who shall presume to sell any rum or molasses any otherwise than by being gaged as this act directs, and having the gager's mark upon it, shall forfeit and pay for every cask by him or them sold contrary to the true intent and meaning of this act, the sum of five pounds, one half to the poor of the town where the offence is committed, and the other half to the informer, who shall inform and sue for the same before any of his majesty's justices of the peace, or in any of his majesty's courts of record within this province; any law, usage or custom to the contrary notwithstanding.

Limitation.

[SECT. 4.] This act to continue and be in force for the space of five years from the publication thereof, and from thence to the end of the session of the general court then next following, and no longer. [*Passed April 2; published April 5, 1731.*]

CHAPTER 6.

AN ACT TO PREVENT FRAUDS IN MUSTER-ROLLS.

Preamble.

1724-25, chap. 5, § 7.

WHEREAS it is judged necessary by this court, that some forts and garrisons within this province, in time of peace, should be supported for the safety thereof, which cannot be without considerable cost and charge; and to the intent that no money may be drawn out of the publick treasury for the payment of any officer, soldier or mariner retained in his majesty's service, and [the] pay of this governm[en]t, but such as *bonâ fide* are not only enlisted, but actually in person do perform their duty,—

Be it enacted by His Excellency the Governour, Council and Represent[at]ives in General Court assembled, and by the authority of the same,

Penalty for false musters.

[SECT. 1.] That every officer posted at any of the forts, garrisons or truck-houses within this province, and all such officers as may hereafter be retained in his majesty's service and the pay of this government, and have soldiers or mariners under their command and inlistment, after the publication of this act, that shall make any false or untrue muster of any man, or shall wittingly or willingly allow or sign any false or untrue muster-roll, or any duplicate of such roll, upon proof thereof upon oath made by two witnesses before the superiour court of judicature, court of assize and general goal delivery, shall, for such offence, be disabled from having or holding any civil or military