

list shall be entered on the record of such town, by the clerk, who is hereby impowered and directed to enter the same accordingly, that so any of the people called Anabaptists, or any members of their society thereto appointed may view such list, and have a copy thereof, if they desire the same, paying only sixpence therefor; and if any person of that denomination, shall be omitted in such list by the assessors taken, and the assessors shall be certified thereof in writing, under the hands of two principal members of that persuasion, appointed thereto by the respective societies some time before the tenth day of September next, and from thence, some time before the tenth day of May then next after, that such persons, not in[s][c]erted in their list, they believe to be conscientiously of their persuasion, and that they do frequently and usually attend their meeting[s] for the worship of God, on the Lord's day, the assessors shall also exempt the said persons so omitted, and their estates in their actual management and improvement, as well as all others in[s][c]erted in the said lists, from all rates and taxes by the said assessors to be made for the support of the minister or ministers in their towns, or for erecting places of public worship.

And be it further enacted by the authority aforesaid,

[SECT. 3.] That the assessors in each town or precinct, respectively, be and hereby are enabled and impowered to assess and levy, in proportion to the province tax, the whole ministerial rate, as by contract, or by order of the general sessions of the peace in the respective count[ie][x]s, according to law; or the sums that shall be granted by the inhabitants of any town or precinct for the erecting or repairing a public place for the worship of God, at a meeting of the said inhabitants qualified to vote in town affairs, regularly convened, on the persons and estates of all others, living and lying within such town or precinct not expressed in the list given in to the town clerk, or added thereto as aforesaid.

Tax taken off from the Anabaptists to be assessed on the other inhabitants.

And be it further enacted by the authority aforesaid,

[SECT. 4.] That all persons exempted by this act, as aforesaid, from paying their part of any town, parish or precinct taxes assessed for and towards any settlement or support of the ministers of the churches established by the laws of this province, or t[ow]ards the building and repairing of any meeting-house for the public worship of God, where they are inhabitants, shall be and hereby are debarred from voting in any such affairs.

Anabaptists exempted from ministerial taxes, not to vote in such affairs.

Provided,

[SECT. 5.] That this act shall not be construed or understood to extend to new towns, granted upon condition of settling an orthodox minister and erecting a house for the public worship of God, till such time as those things are accomplished.

Proviso.

[SECT. 6.] 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 then next session of the general assembly, and no longer. [*Passed July 4; published July 6.*]

Limitation.

CHAPTER 7.

AN ACT IN EXPLANATION OF AND IN FURTHER ADDITION TO AN ACT, ENTITLED, AN "ACT FOR REGULATING OF TOWNSHIPS, CHOICE OF TOWN OFFICERS, AND SETTING FORTH THEIR POWER."

WHEREAS, in and by an act made and pass[ed] in the fourth year of King William and Queen Mary, intituled, "An Act for regulating of

Preamble. 1692-3, chap. 28 § 1.

1715-16, chap. 23. township[s], choice of town officers, and setting forth their power," it is provided that the bounds of all townships "shall be run betwixt town and town, and marks renewed once in three years, by two of the selectmen of each town, or any other two persons whom the selectmen shall appoint; the selectmen of the most an[*e*][*t*]ient town to give notice to the selectmen of the next adjacent towns, of the time and place of meeting for such perambulation, six days beforehand, on pain of forfeiting five pounds, by the selectmen of any town that shall neglect their duty in any of the particulars aforesaid, two thirds thereof for the use of the poor of such town, and the other third unto the selectmen of any of the next adjacent towns that shall inform and sue for the same, in the inferior court of common pleas within the same county." whereupon some disputes have arisen as to the disposition of the said forfeiture of five pounds; for prevention whereof, and that the said act may be rendred more effectual,—

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

Forfeiture for
not perambulating town
bounds;

That when the selectmen of any town within this province, whose duty it is by the said act to give notice unto the selectmen of the next adjacent towns of the time and place of meeting for perambulating the bounds betwixt them, shall neglect their duty in that particular, they shall forfeit and pay the sum of fifteen pounds. And if the selectmen of any town within this province shall, upon notice given as aforesaid, refuse or neglect, by themselves or others by their appointment, to meet and perambulate such bounds, altho[*ugh*] they may be the bounds between county and county, they shall forfeit and pay the sum of fifteen pounds; the said fines or forfeitures to be disposed of, one-third to the selectmen or other person of the town which is not negligent of their duty in this behalf, who shall inform and sue for the same, and the other two-thirds to the use of the poor of the town of which they are selectmen; the said fines or forfeitures respectively to be recovered in any court of common pleas within the county where either of the said towns lie. [*Passed July 4; published July 6.*]

—how to be
disposed of.

CHAPTER 8.

AN ACT TO PREVENT NUSANCES BY HEDGES, WEARS AND OTHER INCUMBRANCES OBSTRUCTING THE PASSAGE OF FISH IN MERRIMACK RIVER.

Preamble.
1709-10, chap. 7.
1727, chap. 10.

WHEREAS the river Merrimaek hath heretofore abounded with plenty of fish, which hath been of great advantage to the inhabitants of the several towns near the said river, and notwithstanding the care which hath been taken in making laws to prevent the setting up of wears and stopping the course of the fish, yet those laws have proved ineffectual to deter persons from setting up wears across the said river for divers years last past, which have been the occasion of destroying abundance of fish, to the great hurt and damage of the inhabitants living on and near the s[*ai*]d river, and the fish (especially bass and sturgeon, which are very valuable) by having their natural course stopped, and being destroyed by the wears, have in a great measure forsaken the said river,—

*Be it therefore enacted by His Excellency the Governo[*u*]r, Council and Representatives in General Court assembled, and by the authority of the same,*

Penalty for
stopping fish in

[SECT. 1.] That if any person or persons whomsoever, from and after the publication of this act, shall presume to erect, set up, or make,