

present majesty's reign, are obliged to erect a meeting-house and school-house, and to support a minister and schoolmaster there, and four-fifths of the charge thereby arising was by said act ordered to be defr[a][e]yed by forty persons, to whom liberty was granted to purchase said lands, the other fifth part by nine families before that time set[t]led there, and that the afores[ai]d proportion of charges, together with the method then assigned for raising and collecting mon[ey][ie]s to defr[a][e]y the same should continue and be observed until[1] those lands should be made a township; and whereas said lands have since been erected into a township, and that before the whole of the charges so incurred were collected in pursuance of said act; wherefore, to enable said proprietors to collect the same,—

Be it enacted by the Governour, Council and House of Represent[at]ives,

Manner of the assessment.

That the assessors of the propriety of Grafton, *alias* Hassanamisco, be and hereby are enabled to assess the several proprietors of the said tract of land purchased by said forty persons, and set[t]led or possessed by said nine families, for all charges which may still be behind and unpaid, and which arose or were occasioned by the compliance of said proprietors with the duties required of them by the aforesaid act; four-fifths thereof to be apportioned upon the present proprietors of the lands petitioned for and purchased by the aforesaid forty persons, the other fifth on the present proprietors of the lands which were possessed by said nine English persons or families before the said act. And the collector or collectors of the said proprietors of Grafton, *alias* Hassanamisco, are hereby enabled and empowered to gather and collect such taxes as shall be committed to him or them by the assessors as aforesaid, and upon the refusal of any of the proprietors who shall be assessed as aforesaid, to pay such sum or sums as shall be set upon and required of them, the collector or collectors to whom the said tax is committed are hereby impowered and directed to make sale to the highest bidder of so much of the said proprietor's land, who shall so refuse to pay, as shall satisfy his part of said assessm[en]t, the overplus, if any there be, to be returned to the said proprietor; and the said collector or collectors shall post up a notification in some publick place in said Hassanamisco, and also give notice of the intended sale in one or more of the publick newspapers at least thirty days before the time appointed for said sale. [*Passed January 15; published January 17, 1742-43.*]

Collectors to sell the lands of such as pay not their tax.

CHAPTER 22.

AN ACT TO PREVENT FIRING THE WOODS.

Preamble.

WHEREAS it is found by experience that the burning of the woods does greatly impoverish the lands, prevent the growth of wood, and destroys much fence, to the great detriment of the owners; for prevention whereof for the future,—

Be it enacted by the Governour, Council and House of Represent[at]ives,

None to fire the woods lying in common, without leave, on pain of 40s., and answer the damage to the proprietors.

[SECT. 1.] That from and after the publication of this act, no person or persons shall wittingly and willingly set fire in any woods or land lying in common within the bounds of any town, without leave first had from the town or proprietors, respectively, owners of such land lying in common, by a major vote, at a meeting for that purpose

appointed, under the penalty of forty shillings, to be recovered by action or information, before any justice of the peace in the county where the offence is committed, such penalty to be for the use of the person or persons who shall prosecute or sue for the same; and the party offending shall be further liable to the action of the town, proprietors or particular persons damnified by such fire; and in case such fire shall be set or kindled by any person under age, such penalty shall be recovered of the parent or master, respectively, of such person under age, unless it shall appear such person under age was employed or directed by some person other than the parent or master, in which case the person so employing or directing shall be liable thereunto.

In case of infants.

And be it further enacted,

[SECT. 2.] That it shall and may be lawful[1] for any town or proprietors of any such lands as aforesaid, to give order for the setting fire in the lands to them respectively belonging, and to ch[oo][u]se two or more persons for that service, who shall appoint times for that purpose, and give seasonable notice thereof in the town where such lands l[y][i]e, and to the selectmen of such adjacent town, near the borders whereof the woods may be that are to be set on fire as aforesaid.

The town or proprietors may give leave, first giving public notice to such as may be affected by it.

And inasmuch as it is oftentimes impossible to prove such facts by direct testimonies,—

Be it further enacted,

[SECT. 3.] That upon process brought for setting fire as aforesaid, where proof cannot be made in the ordinary method and course of the law, if the plaintiff, complainant or other credible person, shall swear that fire has been kindled as is declared in the writ, and there does appear such circumstances as shall render it highly probable, in the judgment of the court or justice before whom the trial is, that the fire was kindled by the defendant, his child or servant, or by some other child or person under the age of fourteen years, directed or employed by the defendant for that purpose, then, and in such case, unless the person charged (being of the age of fourteen years or upwards) will acquit himself, upon oath administered to him by the court or justice before whom the trial is, the plaintiff or complainant shall recover against the defendant, the penalty by this act imposed, and costs; but if the defendant shall acquit himself upon oath as aforesaid, judgment shall be entred up for the defendant, his costs against the plaintiff.

Manner of conviction.

[SECT. 4.] This act to continue and be in force for the space of three years from the publication thereof, and no longer. [*Passed January 15; published January 17, 1742-43.*]

Limitation.

CHAPTER 23.

AN ACT FOR GRANTING TO THOMAS SYMMES, GENTLEMAN, AND GRACE PARKER, WIDOW, BOTH OF CHARLESTOWN, IN THE COUNTY OF MIDDLESEX, THE SOLE PRIVILEGE OF MAKING STONE-WARE.

WHEREAS Thomas Symmes, gentleman, and Grace Parker, widow, both of Charlestown, in the county of Middlesex, have represented to this court, that, having procured a person well skilled in the art or mystery of making stone-ware, and engaged him to instruct them therein, they are willing to undertake the making that kind of ware within this province, and have thereupon prayed that they may enjoy the sole privilege of making the same for such term of time as this govern[ment], in consideration of the expensiveness and risque of the

Preamble.