

*And be it further enacted,*

Penalty of officers' neglecting their duty.

[SECT. 9.] That if any justice of the peace, grand juror or other officer, shall wilfully and wittingly omit the performance of his duty in the execution of this act, such officer shall forfeit and pay the sum of twenty pounds.

Forfeitures, how to be disposed of.

[SECT. 10.] The several forfeitures before mentioned to be applied, the one moiety thereof to the use of the poor of the town where the offence shall be committed, the other moiety to him or them who shall inform or sue for the same (and in case there be no informer that shall prosecute such offender, in such case the whole of the forfeiture shall be applied to the use first mentioned), and may be recovered by action, bill, plaint or information, in any of his majesty's courts of record within the same county, or by presentment of the grand jury, who are hereby strictly enjoined to present all breaches of this act; and no essoign, privilege, protection or wager of law, shall be allowed in any such suit or prosecution as aforesaid.

How to be recovered.

*Provided nevertheless,*

Proviso.

[SECT. 11.] That all suits or prosecutions for the breach of this act, shall commence within twelve months from the time of committing the offence.

*And be it further enacted,*

This act to be publicly read in the courts, and grand jurors to be charged.

[SECT. 12.] That the justices of the respective courts of general sessions of the peace within this province, shall cause this act to be publicly read at opening their courts, from time to time, and shall give in charge to the grand jury duly to enquire after, and make presentment of, all persons that shall presume to offend in violation of this act; and the selectmen of each town within this province, are alike required to cause this act to be publicly read at their several town meetings in May next, for the choice of representatives.

Limitation.

[SECT. 13.] This act to continue and be in force for the space of two years from the publication hereof, and to the end of the May session then next after, and no longer. [*Passed and published March 17, 1743-44.*]

## CHAPTER 19.

AN ACT FOR REGULATING THE HOSPITAL ON RAINSFORD[']S ISLAND, AND FURTHER PROVIDING IN CASE OF SICKNESS.

Preamble.

1738-39, chap. 8.

WHEREAS a good and convenient house hath been provided at the charge of the province, on the island called Rainsford's Island, for the reception of such persons as shall be visited with any contagious sickness,—

*Be it therefore enacted by the Governour, Council and House of Representatives*[ati]<sup>ves</sup>,

Masters of infected vessels to be notified where to come to anchor.

[SECT. 1.] That the commanding officer at Castle William, and the keeper of the lighthouse, shall notify and direct the masters of all vessels coming near them, wherein any infectious sickness is or hath lately been, at their coming in, to come to anchor as near the beforementioned house as may be, that the sick persons, and everything else on board said ship that may give infection (proper to be put into the said house), may be removed into it with the greater ease and safety.

*And be it further enacted,*

Leave to be had of the selectmen for landing passengers or goods.

[SECT. 2.] That upon application made by said master or commander, to the selectmen of the town of Boston, the said selectmen are hereby impowered to permit such passengers, goods or lading as they

shall judge free from infection, to come on shore, or be taken out and disposed of as the owners shall see meet; and such passengers and goods as shall not be permitted as afore[ai]<sup>d</sup>, shall remain on board, or be put into the said hospital.

[SECT. 3.] And if any master or immediate commander of any such vessel for the time being, shall come on shore, or suffer any of his people or passengers to come on shore, or any boats to come on board, or suffer any goods to be taken out of his vessel, unless permitted as aforesaid, or shall come up with his vessel, until[1], by a certificate, under the hands of the selectmen as aforesaid, it shall appear to the captain-general that the said vessel, company and goods are clear of infection, and the orders for stopping and detaining the same be removed and taken off, he shall, for every such offence, forfeit the sum of fifty pounds; and in case he be not able to pay that sum, he shall suffer six months' imprisonment. And if any sailors or passengers, coming in said vessel, shall, without the knowledge or consent of the master, presume to come on shore, or up above the said castle, or if any person from town or country presume to go on board such vessel, or to go to the aforesaid house or hospital in time of infection there, without leave from the authority afores[ai]<sup>d</sup>; or if any person, put sick into the said house, or sent there on suspicion of being infected, shall presume to go off the island without leave as aforesaid; every person offending in any of the above mentioned particulars, shall forfeit the sum of ten pounds; and in case any person be not able to pay the said sum, he shall suffer two months' imprisonment[en]<sup>t</sup>.

*And be it further enacted,*

[SECT. 4.] That when and so often as any ship or other vessel, wherein any infection or infectious sickness hath lately been, shall come to any port or harbour within this province; or when and so often as any person or persons belonging to, or that may, either by sea or land, come into, any town or place near the publick hospital within this province, shall be visited, or who lately before may have been visited, with any infectious sickness, two of the justices of the peace, and selectmen of such place, be impowered immediately to order the said vessel and sick persons to the province hospital or house afores[ai]<sup>d</sup>, there to be taken care of according to the direction of this act; and where any such ship, vessel or persons cannot, without any great inconvenience and dam[m]age, be ordered to the afores[ai]<sup>d</sup> house or hospital, in every such case the rules and directions are to be observed, which are already made in and by the act pass'd in the thirteenth year of the reign of his late majesty King William the Third, [e][i]ntituled, "An act providing in case of sickness."

*And be it further enacted,*

[SECT. 5.] That if any master, seaman or passenger belonging to any ship on board which any infection is or hath lately been, or is suspected to have lately been, or coming from any port where any infectious mortal distemper prevails, shall refuse to make answer upon oath to such questions as may be asked by the selectmen of the town to which such ship shall come, relating to such infection, such master, seaman or passenger shall forfeit the sum of fifty pounds; and in case he be not able to pay said sum, he shall suffer six months' imprisonment; all the above mentioned fines to be sued for and recovered by the province treasurer for the time being; one third of the fines to be to his majesty, for the use of this governm[en]<sup>t</sup>, one third to the informer, and one third to the province treasurer for the time being. And where any person shall be convicted of any offence against this act, and suffer the pains of imprisonment, and shall be unable to pay the costs of prosecution, such costs shall be allowed and paid out of the province treasury.

Forfeiture for contempt by the master.

Penalty for sick or suspected persons offending against this act.

Two justices and selectmen to order sick persons to the hospital.

1701-2, chap. 9.

Penalty for not answering on examination.

Selectmen of Boston to provide nurses, &c.

[SECT. 6.] And the selectmen of Boston are directed and impowered to provide nurses, assistance and other necessaries for the comfort and relief of such sick persons sent to said hospital as aforesaid, the charge thereof to be born by the said persons themselves if able, or if poor and indigent, then at the immediate charge of the province.

Limitation.

[SECT. 7.] This act to continue in force five years from the publication thereof, and to the end of the session of the general court next after, and no longer. [*Passed and published March 5, 1743-44.*]

## CHAPTER 20.

AN ACT PROVIDING THAT THE SOLEMN AFFIRMATION OF THE PEOPLE CALLED QUAKERS SHALL, IN CERTAIN CASES, BE ACCEPTED INSTEAD OF AN OATH IN THE USUAL FORM; AND FOR PREVENTING INCONVENIENCES BY MEANS OF THEIR HAVING HERETOFORE ACTED IN SOME TOWN OFFICES WITHOUT TAKING THE OATHS BY LAW REQUIRED FOR SUCH OFFICES.

Preamble.  
1719-20, chap. 11.

WHEREAS the people called Quakers profess to be in their consciences scrupulous of taking an oath in the form by law required,—

*Be it therefore enacted by the Governour, Council and House of Representatives,*

[SECT. 1.] That, from and after the publication of this act, every Quaker within this province who shall be required upon any lawful occasion to take an oath where, by law, an oath is required, shall, instead of the usual form, be permitted to make his, or her, solemn affirmation or declaration in the words following; viz<sup>t</sup>,—

Form of the affirmation to be taken by Quakers.

I, A. B., do solemnly and sincerely affirm and declare under the pains and penalties of perjury.

—which said solemn affirmation or declaration shall be adjudged and taken,—

*And it is hereby enacted and declared,*

[SECT. 2.] To be of the same force and effect to all intents and purposes in all courts of justice and other places where by law an oath is required within this province, as if such Quaker had taken an oath in the usual form.

*And be it further enacted,*

Quakers' acting contrary to the said affirmation to be deemed wilful and corrupt perjury.

[SECT. 3.] That if any Quaker making such solemn affirmation or declaration shall be lawfully convicted, wilfully, falsely, and corruptly, to have affirmed or declared any matter or thing which, if the same had been in the usual form, would have amounted to wilful and corrupt perjury, every such Quaker so offending shall incur the same penalties and forfeitures as, by the laws of this province, are enacted against persons convicted of wilful and corrupt perjury.

*Provided always, and be it enacted,*

Proviso.

[SECT. 4.] That no Quaker or reputed Quaker shall by virtue of this act be qualified or permitted to give evidence in any criminal causes, or serve on any juries in any of the courts within this province (without taking the oath by law required, except in civil causes only; and in such causes such person shall be liable to serve as a juror on taking the affirmation aforementioned, and on refusing to take the same, shall be subjected to the same fine that others are by law subjected to for not serving as jurors), nor bear any office in this governm<sup>t</sup> where an oath is by law required to qualify a person for the discharge of such