

part of the land within the bounds of Provincetown or Cape Cod, standing or growing there within one hundred and sixty pole from high-water mark, shall forfeit and pay the sum of five shillings for every tree or pole, and one shilling for every bush so cut or carried off; the one-half of said forfeiture to be to him or them that shall inform and sue for the same, and the other half to be to and for the use of the poor of the said town of Provincetown, to be recovered before a justice of the peace of the same county.

[SECT. 5.] This act to continue and be in force one year from the publication thereof, and from thence to the end of the next session of the general court, and no longer. *[Passed April 5; published April 6, 1745.]* Limitation.

CHAPTER 28.

AN ACT TO REGULATE THE PAY OF SOLDIERS AND MARINERS, AND TO PREVENT FRAUD THEREIN.

WHEREAS no direction is given in the law how soldiers and mariners, serving his majesty in the pay of this province, shall receive their wages,— Preamble.
1744-45, chap. 7.

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

[SECT. 1.] That during the next two years after the publication of this act, when any muster-roll for the wages of the soldiers and mariners serving this province is pass[e]’d and allowed, and a warrant granted for the payment thereof, the province treasurer shall pay to the soldiers and mariners born thereon the sums respectively due to them, either to him or them in person, or to his or their express order in writing, and not otherwise. How soldiers’
and mariners’
wages are to be
paid.

And to prevent the said treasurer being imposed on by counterfeit orders, or by persons who may pretend to have been in the publick service when they have not,—

Be it further enacted,

[SECT. 2.] That no soldier or mariner appearing in person, or sending his order as afores[ai]d, shall be allowed to receive his wages until[l] he produce a certificate either from under the hand of the captain or chief commanding officer that impressed, or inlisted and sent him out, or under the hand of one or other of the commission officers under whom he served, setting forth that he was impressed, or inlisted and sent out, or that he did actually serve his majesty as aforesaid, which certificate shall be given by the afores[ai]d officers without fee or demand. Certificate to be
produced before
payment.

And to enable parents, guardians, and masters to receive the wages due for their sons under age, wards or servants, as also to prevent such sons, wards or servants from receiving or mispending the same,—

Be it further enacted,

[SECT. 3.] That when and so often as any son under age, ward or servant, consequent on the captain-general’s order, during the time afores[ai]d, shall be impress[e]’d, or inlisted and sent out, the commanding officer or officers, out of whose regiment or company they shall be taken, shall certify in writing, and cause to be transmitted to the chief commanding officer or officers to whom they are sent, by him or them to be transferred to the officer or officers under whom they are to serve, not only the names of such sons, wards or servants, but that they are sons, wards or servants, and what towns or places their fathers, guar- Commanding
officers to be
certified who
are sons, wards,
or servants.

dians or masters then live in; and the commanding officer or officers under whom they serve shall, from time to time, specify the same on the muster-roll when it is presented for allowance; and every father, guardian or master of any such son, ward or servant may demand and receive the same, either in person or by his order, in manner as aforesaid; and no such son, ward or servant, employed as aforesaid, shall be allowed to receive, either in person or by his order, any part of his wages of said treasurer without express allowance, in writing, from his parent, guardian or master for that purpose.

Provided, nevertheless,—

Proviso.

[SECT. 4.] That any captain or chief commanding officer, under whom such son under age, ward or servant shall serve, may, if he sees it needful, allow him or them to receive and take up, of him or some other person, things necessary for his comfortable subsistence, in cloathing, &c^[a], at reasonable prices, the one-half of his wages as they shall become due from time to time. [*Passed April 5; published April 6, 1745.*]

CHAPTER 29.

AN ACT IN FURTHER ADDITION TO AN ACT ASCERTAINING THE VALUE OF MONEY, AND OF THE BILLS OF PUBLIC [K] CREDIT OF THIS PROVINCE.

Preamble.

1741-42, chap. 12.

WHEREAS notwithstanding the provision that is made in and by an act pass'd in the fifteenth year of his present majesty's reign, [e][i]n-titled "An Act to ascertain the value of money, and of the bills of publick credit of this province, granted this present year for the supply of the treasury, and for securing the credit of said bills," for securing to any creditor or creditors what the bills of credit might sink or depreciate in their value between the time of contracting the debt and the payment thereof, it has been a frequent practice for creditors to exact and take of their debtors, for the loan of any sum or sums of money lent, and for forbearance of their debts, more than six per cent, by which practice some of the good and wholesome laws of this province, and the equitable intent and designs of them, are eluded, and great oppression and injustice introduced, to the reproach of this government; now, for the prevention thereof for the future,—

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

No allowance to be made for the depreciating of the bills where anything has been allowed already for it.

[SECT. 1.] That in all actions hereafter to be brought for the recovering any debt or sum due upon bond, or otherwise contracted and payable in bills of credit since the thirty-first day of March, one thousand seven hundred and forty-two, or that may be contracted within five years of that date, if the debtor will tender his oath in court that the creditor has received anything for the loan or forbearance of such debt, either in money, bills, goods, or by any new bond, bill, note of hand, order, or under colour of being paid for any service or thing, or by keeping back any part of the sum specified to be paid in the condition of any bond or other specialty, or by any other way or means whatsoever, either directly or indirectly, more than six pounds for the loan or forbearance of one hundred pounds for a year, and so after that rate for a greater or less sum, or for a longer or shorter time, then and in such case, unless the [creditor] [owner] will make oath to the contrary, judgment shall be made up only for the exact nominal sum received by or due from the debtor, with lawful [1] interest for the same, if it be