

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

No person to set or draw any seine, net, &c., for catching alewives in Herring River in Sandwich, without obtaining licence.

[SECT. 1.] That from and after the publication of this act, no person or persons whomsoever shall, on any pretence, presume to stretch, set or draw any seine or drag-net, or set up any wares or other fishing engines in any part of the river known by the name of Herring River, in the town of Sandwich, or use any other instrument for the catching alewives but dip-nets or scoop-nets, without first obtaining special licence therefor by a vote of the inhabitants of said Sandwich legally assembled at their anniversary meeting in March, nor in any manner whatever, at any time or times, place or places thereof, but such as shall be determined and appointed at such meeting, on penalty of a fine of five pounds for each offence; to be paid by every person concerned in taking said fish in either of the ways forbidden by this act, or in any other place than such as shall be assigned by the said town as aforesaid, and be recovered by action, bill, plaint or information in any court proper to try the same: all fines and forfeitures arising by this act to be disposed of, one half for the benefit of the poor of said town, the other to him or them who shall inform and sue for the same.

Penalty for offence.

Preamble.

And whereas a considerable part of the banks of said river is covered with thick woods, and thereby so obscured as that persons may frequently offend against this act without being discovered, and thereby the good design of it be defeated, unless special provision be made therefor,—

Be it therefore enacted by the authority aforesaid,

Method of conviction, &c.
1726-27, chap. 3.

[SECT. 2.] That the manner, rules and methods of conviction of offenders against this act be the same as are directed and provided in and by an act [e][i]ntitled “An Act in addition to and for rendring more effectual an act made in the tenth year of the reign of King William the Third, [e][i]ntitled ‘An Act for preventing of trespasses,’” made in the twelfth year of the reign of his late majesty, King George.

Limitation.

[SECT. 3.] This act to continue and be in force for the space of three years from the publication thereof, and no longer. [*Passed January 29; published March 11, 1745-46.*]

CHAPTER 15.

AN ACT FOR SUPPLYING THE TREASURY WITH THE SUM OF TWENTY THOUSAND POUNDS.

Preamble.

WHEREAS the large sums with which the treasury has already been suppl[y][i]ed for defreying the expence of the expedition against Cape Breton, and the necessary charges consequent thereupon, have been found insufficient for those purposes, and a considerable sum still remains due from this province,—

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

£20,000 bills of credit to be emitted.

[SECT. 1.] That the treasurer be and hereby is impowered and ordered to emit and issue forth the sum of twenty thousand pounds in bills of credit of the last tenor and date, now lying in his hands and received for taxes, impost and excise, which shall pass in all publick payments equal to other new-tenor bills emitted since one thousand seven hundred and forty; or, if there [shall not] be [not] a sufficiency of such bills, that then the committee appointed by this court for sign-

ing bills, are hereby directed and impowered to take care and make effectual provision, as soon as may be, to imprint the said bills, or so many as may be needed to compleat the said sum, and to sign and deliver the same to the treasurer, taking his receipt for the same; and the said committee shall be under oath for the faithful performance of the trust by this act reposed in them; and the said sum of twenty thousand pounds shall be issued out of the publick treasury pursuant to such grants as this court hath or shall hereafter make, for discharging such debts as are or may be due from this province in consequence of the late expedition against Cape Breton.

And be it enacted,

[SECT. 2.] That if there be a surplusage in any of this sum appropriated, such surplusage shall l[y][i]e in the treasury for the further order of this court. Surplusage to lie in the treasury.

And be it further enacted,

[SECT. 3.] That each and every warrant for drawing this money out of the treasury, shall direct the treasurer to take the same out of the aforesaid sum as is directed, and no other, upon pain of refunding all such sum or sums as he shall otherwise pay, and to keep exact and distinct acco[un][mp]ts of all payments made out of the aforesaid sum; and the secretary, to whom it belongs to keep the muster-rolls and accmpts of charge, shall lay before the house, when they shall direct, all such muster-rolls and accmpts after payment thereof. Warrants to express the appropriations.

And as a fund and security for drawing the aforesaid sum of twenty thousand pounds into the treasury again,—

Be it further enacted,

[SECT. 4.] That there be and hereby is granted [un]to his most excellent majesty for the ends and uses aforesaid, a tax of ten thousand pounds, to be lev[y][i]ed on polls, and estates both real and personal, within this province, according to such rules and in such proportions on the several towns and districts within the same as shall be agreed upon and ordered by this court at their session in May, one thousand seven hundred and fifty-five, and paid into the publick treasury on or before the last day of December then next after. £10,000 in 1755.

And as a further fund and security for drawing the aforesaid sum of twenty thousand pounds into the treasury again,—

Be it further enacted,

[SECT. 5.] That there be and hereby is granted unto his most excellent majesty, for the ends and uses aforesaid, a tax of ten thousand pounds, to be lev[y][i]ed on polls, and estates both real and personal, within this province, according to such rules and in such proportions on the several towns and districts within the same, as shall be agreed upon and ordered by this court at their session in May, one thousand seven hundred and fifty-six, and paid into the publick treasury on or before the last day of December then next after. £10,000 in 1756.

And be it further enacted,

[SECT. 6.] That in case the general court shall not, at their session in May, one thousand seven hundred and fifty-five, and one thousand seven hundred and fifty-six, agree and conclude upon an act apportioning the several sums which, by this act, is engaged shall be in each of these several years apportioned, assessed, and lev[y][i]ed, that then and in such case each town and district within this province shall pay, by a tax to be lev[y][i]ed on the polls, and estates both real and personal, within their districts, the same proportion of the said sums as the said towns and districts shall have been taxed by the general court in the tax act then next preceeding; and the province treasurer is hereby fully impowered and directed, some time in the month of June, in each of these years, one thousand seven hundred and fifty-five, and Tax for the money hereby emitted to be made according to the preceeding tax act, in case.

one thousand seven hundred and fifty-six, to issue and send forth his warrants directed to the selectmen or assessors of each town and district within this province, requiring them to assess the polls, and estate[s] both real and personal, within their several towns and districts, for their respective part and proportion of the several sums before directed and engaged to be assessed by this act; and the assessors, as also persons assessed, shall observe, be governed by, and subject to all such rules and directions as shall have been given in the next preceding tax act.

And be it further enacted,

[SECT. 7.] That the inhabitants of this province shall have liberty, if they see fit, to pay the several sums for which they respectively may, in pursuance of this act, be assessed, in bills of credit of the form and tenor by this act emitted, or in other new-tenor bills, or in bills of the middle tenor, according to their several denominations, or in bills of the old tenor, accounting four for one; or in coined silver, at seven shillings and sixpence per ounce, troy weight, of sterling alloy, or in gold coin, proportionably; or in merchantable hemp, flax, winter and Isle-of-Sable codfish, refined bar-iron, bloomery-iron, hallow iron-ware, Indian corn, rye, wheat, barley, pork, beef, duck or canvas, whalebone, cordage, train-oil, beeswax, bayberry-wax, tallow, peas[c], sheepswool, or tann'd sole-leather (the aforesaid commodities being of the produce or manufactures of this province), at such moderate rates and prices as the respective general assembl[y][ie]s of the years one thousand seven hundred and fifty-five, and one thousand seven hundred and fifty-six, shall set them at; the several persons paying their taxes in any of the commodities aforementioned, to run the risque and pay the charge of transporting the said commodities to the province treasury; but if the aforesaid general assembl[y][ie]s shall not, at their sessions in May, some time before the twentieth day of June, agree upon and set[t] the aforesaid species or commodities at some certain prices, that then the eldest councillor, for the time being, in each of those counties of the province, of which any one of the council is an inhabitant, together with the province treasurer, or the major part of them, be a committee, who hereby are directed and fully authorized and impowered to do it; and in their setting the prices and rating the value of those commodities, to state so much of them, respectively, at seven shillings and sixpence as an ounce of silver at that time will purchase in the town of Boston, and so *pro rata*. And the treasurer is hereby directed to insert in the several warrants by him sent to the collectors of the taxes in those years, respectively, with the names of the afore-recited commodities, the several rates or prices which shall be set on them, either by the general assembly, or the committee aforesaid, and direct the aforesaid collectors to receive them so.

[SECT. 8.] And the aforesaid commodities so brought into the treasury, shall, as soon as may be, be disposed of by the treasurer to the best advantage for the most it will fetch in bills of credit hereby to be emitted, or any of the bills of credit aforementioned, or for silver or gold, which silver and gold shall be delivered to the possessor of said bills in exchange for them; that is to say, one ounce of silver coin, and so gold in proportion, for seven shillings and sixpence, and so *pro rata* for a greater or less sum; and if any loss shall happen by the sale of the aforesaid species, or by any unforeseen accident, such deficiency shall be made good by a tax of the year next following, so as fully and effectually to call in the aforesaid sum of twenty thousand pounds in said bills hereby ordered to be emitted, and for which a tax on polls and estates is in this act laid as a fund; and if there be a surplusage, it shall remain a stock in the treasury. [*Passed February 8; published March 11, 1745-46.*]

Taxes to be paid in the several species herein enumerated.

How the commodities brought into the treasury are to be rated.

Treasurer to sell the said commodities.