

## CHAPTER 24.

## AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED AND NEAR EXPIRING.

WHEREAS, the several acts hereinafter mentioned, which are now expired or near expiring, have been found useful and beneficial; namely,—

One act made in the ninth and tenth year of his present majesty's reign, intituled "An Act to enable the overseers of the poor and selectmen to take care of idle and disorderly persons"; two acts made in the twenty-seventh year of said reign, one, intituled "An Act in addition to the several laws of this government made for the regulating of general fields," and the other act, intituled "An Act for preventing mischief by unruly dogs on the islands of Martha's Vineyard, Chebaquiduck, and also on the island of Nantucket."

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

That such of the before mentioned acts as are expired, with all every article, clause, matter and thing therein respectively contained, be and they hereby are revived; and such of said acts as are near expiring are continued, and shall be in force from the tenth day of February, instant, for the space of five years, and to the end of the next session of the general court, and no longer. [*Passed February 8;\* published February 28, 1757.*]

Preamble.  
Sundry laws, expired or near expiring, revived and continued.  
1736-37, chap. 4.

1753-54, chap. 29.

1753-54, chap. 31.

Their continuation for five years, from the 10th of February, 1757.

## CHAPTER 25.

## AN ACT FOR PREVENTING THE EXPORTATION OF PROVISIONS AND WARLIKE STORES OUT OF THIS PROVINCE.

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

[SECT. 1.] That no warlike stores, or provisions of any kinds whatsoever, save such as shall be hereafter excepted, shall be exported or carried out of any port or harbour in this province, in any vessel whatsoever, during the continuance of this act: *saving* only such provisions and warlike stores as are necessary for the defence of each respective vessel outward bound, or for the victualling of the mariners on board the same, during their intended voyage, an account whereof, in writing, shall be given by the master of such vessel, on oath, to the impost officer, or his deputy; and when there is no impost officer or deputy, then to a justice of the peace of the county or town clerk of the town whence such vessel sails, on penalty of one thousand pounds, to be forfeited by the owner or freighter of every vessel of an hundred tons or under, and two thousand pounds to be forfeited by the owner or freighter of every vessel above one hundred tons.

*Provided, always,—*

[SECT. 2.] And it shall be lawful for the master of any ship or [ort] other vessel to take on board and to transport fish in bulk, the owner, freighter or factor of such ship or other vessel, before she takes on board any part of her cargo, giving bond to the impost officer or his

Exportation of warlike stores and provisions prohibited: *saving.*

Penalty, &c., for breach of this act.

Fish, in bulk, may be taken on board, &c., owner or freighter giving bond for landing the same.

\* Signed February 26, according to the record.

† *Sic.*

deputy, with two sureties of known abilities, and residents in this province, in the sum of one thousand pounds for every vessel of a hundred ton[s] and under, and two thousand pounds for every one above one hundred tons (to be forfeited and recovered in manner as is hereafter expressed), that the fish to be laden on board is designed for, and shall be landed in, some part of Europe in amity with his majesty, and that he or they shall produce a certificate from the British consul or vice-consul, if any there be residing at the port of her deliveries, and if none, from some other proper authority, that said cargo has been there landed.

*Provided, also.*—

Bond to be given for provisions or warlike stores designed for any of His Majesty's colonies, &c.

[SECT. 3.] That it shall and may be lawful for the master of any ship or vessel, the owner or owners, factor or factors, freighter or freighters, first giving bond as aforesaid, to take on board and to transport any sort of provisions or warlike stores to any of his majesty's colonies, islands or settlements in North America, provided such bond be given before such warlike stores and provisions be put on board; the forfeiture to be sued for and recovered in any of his majesty's courts of record proper to try the same, and to be one moiety thereof to his majesty for the support of this governm[en]t, the other moiety to him or them who shall inform or sue for the same; and the master of such vessel transporting warlike stores or provisions, where no bond shall be given as aforesaid, shall, upon conviction, be liable to be sentenced to stand in the pillory and have one of his ears cut off; said bond[s] to be cancelled by a certificate of the officers of his maj[es]ty's customs in the respective ports where such provisions or warlike stores may be landed with consent of the commander-in-ch[ief] of this province for the time being; and without such certificate said bonds are to be in force and recovered in manner as aforesaid, danger[s] of the seas and captures by the enemy excepted.

Penalty for not giving bond as aforesaid.

And to prevent any fraud or collusion in the captures that may be made,—

*Be it further enacted,*

Same penalty, in case of collusive captures of cargoes.

[SECT. 4.] That if any masters or owners of any ships or vessels that may be clear'd out of this governm[en]t, laden with provisions for any of his majesty's other colonies or islands, shall be detected in causing any collusive captures of their cargo[s], they shall be subject to the same penalties as those are who shall export the same without first giving bond.

*And be it further enacted,*

Penalty for holding correspondence or communication with inhabitants of Louisbourg, &c.

[SECT. 5.] That it shall be unlawful for any of his majesty's subjects of this province, and they are hereby strictly forbidden to hold any correspondence or communication with any inhabitants of Louisbourg, or any other of the French settlements in North America, either by land or water; and if any person or persons belonging to this province shall presume to carry or send any vessel to Louisbourg, or any other French settlem[en]t in North America, during the continuance of this act, the ship, sloop or other vessel employed, with all her tackle, appurtenances and cargo, shall be forfeited, one half to his majesty for the use of this province, and the other half to him or them who shall inform and sue for the same in any of his majesty's courts within this province proper to try the same; and the master shall be liable to have one ear cut off, and be publicly whipp[ed] thirty-nine lashes, and the owner or owners, freighter or freighters, and factor or factors of the owner or owners, or freighter, of such ship or other vessel, shall forfeit and pay, each, five hundred pounds, to be recovered and disposed of as above, and also be forever disabled to hold any place of honour or prof[ess]ion under this government.

[SECT. 6.] This act to continue and be in force until the first day of July, one thousand seven hundred and fifty-seven. [Passed February 25; published February 28, 1757.] Limitation.

## CHAPTER 26.

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

WHEREAS in and by an act made in the fourth year of King William and Queen Mary, intituled "An Act for regulating of townships, choice of town officers, and setting forth their power," it is enacted, among other things, that every person duly chosen to serve in the office of constable, who shall refuse to take the oath to that office belonging, or pay the fine therein mentioned, shall be convened before the next sessions of the peace to be held for the county in which such town l[y][i]eth, to answer for his neglect and refusal; which, by experience, is found inconvenient, and, in some counties, impracticable,—

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

[SECT. 1.] That every person duly chosen to serve in the office of constable in any town or district in this province, who shall not, within six days after his being notified of his choice, take the oath to that office belonging, or pay his fine, such omission shall be judged a refusal. And the court of general sessions of the peace for that county in which such town or district l[y][i]eth, are hereby directed and impowered, upon certificate under the hand of the town or district clerk, or two or more of the selectmen, that such person was legally chosen to the office of constable for such town or district, to convene before them such person at any of their sessions within the year for which he is chosen to serve, and to proceed with him in like manner as, by the act aforesaid, they are impowered.

*And whereas* it is often found difficult personally to notify town, district and precinct officers to take the oaths to their respective offices belonging, within the time limit[ed] by law,—

*Be it enacted,*

[SECT. 2.] That a notification under the hand of the town, district or precinct clerk, being left by the constable at the house or usual place of abode of any person duly chosen to serve in any office in any town, district or precinct, of whom an oath by law is required, shall be deemed a sufficient warning as if personally notified; and the neglect of such person to take the oaths required by law within six days after leaving such notification, shall be deemed a refusal to serve in the office to which he is chosen, and be subject to the same penalties as if he had appeared and refused to serve.

*And be it further enacted,*

[SECT. 3.] That in the absence of a justice of the peace, the clerk of any town, district or precinct in this province, be and he is hereby fully impowered to administer the oaths by law required to be administered, to any officer chosen in such town, district or precinct, of whom any oath is required by law; and the said clerk shall make record thereof in the town, district or precinct books. And when and so often as any town, district or precinct officers are sworn before a justice of

Preamble.  
1692-93, chap. 23,  
§ 8.  
1742-43, chap. 23.

What shall be  
judged a refusal  
by a person  
chosen  
constable.

Court of ses-  
sions empow-  
ered to convene  
persons chosen  
to such office,  
at any of their  
sessions.

What shall be  
deemed a suffi-  
cient warning of  
a person chosen  
constable,

—as also a  
refusal, after  
such warning.

By whom town,  
&c., officers  
may be sworn.