

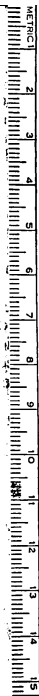
ACTS AND LAWS,

Of His
Majesties Province of the Massachusetts-
Bay, in
New-England.



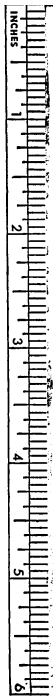
B O S T O N .

Printed by *Bartholomew Green*, and *John Allen*, (Printers
to His Excellency the GOVERNOUR and COUNCIL,)
for, and Sold by *Michael Perry* at his Shop over against
the Town-House, and *Benjamin Eliot* under the West-
End of the Town-House. 1 6 9 9.



(313) 761-4700

XEROX MICROFORMS SYSTEMS
University Microfilms
Ann Arbor, Michigan 48106



Acts and Laws,

Passed by the Great and General Court or Assembly of the Province of the Massachusetts-Bay in New-England. Begun and Held at Boston the Eighth of June 1692. and continued by Adjournment unto the Twelfth day of October following.

An Act for Building with Stone or Brick in the Town of Boston, and preventing Fire.

WHEREAS Great Desolations and Ruines have sundry times happened by Fire breaking out in the Town of Boston, principally occasioned by reason of the joyning and nearness of the Buildings, being mostly of Timber, and covered with Shingle. For the better preventing of such Accidents for the future, and Damage and Loss thereby.

Be it Ordained and Enacted by the Governour, Council and Representatives, Convened in General Court or Assembly. And it is Enacted by the Authority of the same, That henceforth no Dwelling House, Shop, Ware-house, Barn, Stable, or any other Housing of more than Eight Feet in Length, or Breadth, and Seven Feet in Height, shall be Erected and Set up in Boston, but of Stone or Brick, and covered with Slate or Tyle, unless in particular cases where necessity requires; being so judged and signified in writing under the Hands of the Justices and Select-men of the said Town, or major part of both; the Governour with the Advice and Consent of the Council shall see cause to Grant Licence unto any person to Build with Timber, or cover with Shingle. And if any person shall presume to Erect, or cause to be Erected, any Frame or Building contrary hereto; upon Conviction thereof, before two Justices of Peace (*Quorum Unus*) such Building shall be deemed a common Nuisance, and the Owner of such Frame or Building shall enter into a Recognizance to Demolish the same; and in Default of Entering into such Recognizance, shall be Committed to Prison, until he do cause the same to be Demolished; or else such Building shall be Demolished by Order of the Quarter Sessions of the Peace within the said County, and the Charges thereof to be Levied by Distress, and Sale of such Offenders Goods, by Warrant from the Court of Quarter Sessions.

Buildings in Boston to be of Brick or Stone, and covered with Slate.

Governour and Council to grant Licence to Build with Timber in Case of Penalty for transgressing this Act.

And it is further Ordered and Enacted, That in all Void and Unbuilt Places, which shall hereafter be improved for Building, or when at any time any total Consumption or Desolation shall happen in any Street or Lane within the said Town, it shall be in the power of the Justices of the Peace of said Town then in being, together with the Select-Men, or the major part of both, to State and Lay out such Streets, Ways and Passages, as may be most for the Conveniency and Accommodation of the Place: As also where any Desolation has happened, to Regulate and Enlarge other narrow and crooked Lanes or Passages. AND where any particular persons shall have their Land taken away or lessened thereby; a jury of Twelve Men shall be appointed by two Justices of the Peace, and Sworn to Ascertain the value thereof, to be paid by the person, to whose Land the same shall be added, or by the Neighbourhood or Town, in proportion to the benefit or conveniency any shall have thereby. And every person Building as aforesaid with Brick or Stone, shall have liberty to Set half his Partition Wall in his Neighbours Ground,

Justices and Select-men to lay out Streets, &c.

A Jury to Ascertain the value of any Persons Land paid to any Street.

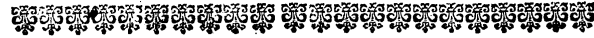
A 2



Re-printed,

By Order of His Excellency the Governour, Council and Assembly.

Isaac Addington Secr.



Incestuous Marriages.

ACTS and LAWS

Passed by the Great and General Court or Assembly of the Province of the Massachusetts Bay in New-England. Begun and Held at Boston, the Twenty-ninth Day of May, 1695.

An Act to prevent Incestuous Marriages.

ALTHOUGH this Court doth not take in hand to determine what is the whole Breadth of the Divine Commandment respecting unlawful Marriages. Yet for preventing of that abominable Dishonesty and Confusion which might otherwise happen.

Be it Enacted by the Lieutenant Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That no man shall Marry any Woman within the degrees hereafter named in this Act, That is to say, No man shall Marry his Grand-fathers Wife, Wives Grand-mother, Fathers Sister, Mothers Sister, Fathers Brothers Wife, Mothers Mothers Wife, Wives Fathers Sister, Wives Mothers Sister, Fathers Wife, Wives Mother, Daughter, Wives Daughter, Sons Wife, Sister, Brothers Wife, Wives Sister, Sons Daughter, Daughters Daughter, Sons Sons Wife, Daughters Sons Wife, Wives Sons Daughter, Wives Daughters Daughter, Brothers Daughter, Sisters Daughter, Brothers Sons Wife, Sisters Sons Wife, Wives Brothers Daughter, Wives Sisters Daughter. And if any man have already Married, or shall hereafter Marry, or have carnal Copulation with any Woman who is within the degrees before recited in this Act; every such Marriage shall be and is hereby declared to be Null and Void. And all Children that shall hereafter be born of such Incestuous Marriage or Copulation, shall be for ever disabled to Inherit by Defecent, or by being generally named in any Deed or Will by Father or Mother.

Degrees of Kindred forbidden for Marriage.

And be it further Enacted by the Authority aforesaid, That every Man and Woman who shall Marry, or carnally know each other, being within any of the degrees before recited in this Act, and shall be convicted thereof before His Majesties Justices of Assize and General Goal Delivery; such Man and Woman so convicted, shall be set upon the Gallows by the space of an hour, with a Rope about their Neck, and the other end cast over the Gallows: And in the way from thence to the Common Goal, shall be severely Whipped, not exceeding Forty Stripes each. Also every person so offending shall for ever after wear a Capital I of two inches long, and proportionable bigness, cut out in cloth of a contrary colour to their Cloaths, and sewed upon their upper Garments on the out side of their Arm, or on their back in open view. And if any person or persons having been convicted and sentenced for such Offence, shall at any time be found without their Letter so worn, during their abode in this Province, they shall by Warrant from a Justice of the Peace be forthwith Apprehended and Ordered to be publicly Whipp'd not exceeding Fifteen Stripes, and so from time to time toties quoties.

Penalty on such whose Marriage is declared Null or dwell together.

And be it further Enacted by the Authority aforesaid, That if any Man or Woman whose Marriage is by this present Act declared Null and Void; shall be so hardy as to converse together as Man and Wife, or shall continue to dwell in the same House at any time after the space of forty day next after the Publication of this present Act, and be thereof

Incestuous Marriages.

of Convicted; or if any Man and Woman who shall hereafter be divorced or their Marriage declared to be null and void, according to the Law of this Province, shall Cohabit or Converse together as Man and Wife, and be thereof Convicted, all and every such persons shall suffer the pains and penalties mentioned in an Act made and passed by the Great and General Court or Assembly, at their Sessions begun and held the Thirtieth Day of May, One Thousand Six Hundred Ninety Four, Entituled, An Act against Adultery and Polygamy; which in and by the said Act are set and imposed upon such as shall be taken in Adultery. And it shall be in the power of the Justices of the superiour Court of Judicature, to Assign unto any Woman so separated, such reasonable part of the Estate of her late Husband as in their discretion the circumstances of the Estate may admit, not exceeding one third part thereof.

And for the better preventing of clandestine Marriages.

Be it Enacted by the Authority aforesaid, In Addition to the Act Entituled, An Act for the orderly Consummating of Marriages. That no Person other than a Justice of the Peace, and that within his own County only, or Ordained Minister, and that only in the Town where he is settled in the Work of the Ministry; shall or may presume to joyn any Persons together in Marriage; Nor shall any Justice or Minister, joyn any Persons in Marriage other than such, one or both of whom are Inhabitants or Residents in such County or Town respectively, nor without Certificate produced under the hand of the Clerk of the several Towns where the parties respectively dwell, that the names and intention of the said parties have been entred with him fifteen days before hand; and that due Publication of such their intention or purpose has been made in manner as by Law is directed; Nor without evident signification that the Parents of such persons, or others whose immediate care or government they are under, are knowing of and consenting to such Marriage: On pain that every Justice, Minister, or other person offending against this Act, shall for every such Offence, forfeit and pay the Sum of Fifty Pounds, as a fine for and towards the defraying of the Publick Charges arising within such County where the offence is committed, to be tised for and recovered by the County Treasurer in any of His Majesties Courts of Record within the same; by Bill, Plaint or Information; and shall and are hereby for ever after disabled to joyn persons in Marriage; and be further liable to the Action and Suit of the Parent, Guardian or others whose immediate care or government either of the parties were under at the time of such Marriage, that are agrieved thereat and shall prosecute the same.

Justices and Ministers not to Marry persons out of their County or Town respectively. Names and intention of Marriage to be Entred with the Town Clerk.

Penalty on Justices or Ministers offending.

And be it further Enacted, That if at any time the Banns of Matrimony betwixt any persons shall be forbidden, the Publisher thereof shall forbear to proceed therein, until the matter have been duly inquired into and heard before two of the Justices of the same County, and that they certify under their hands, either that the cause was insufficient, or that it is removed.

Banns forbidden not to be our ask'd till the matter be heard, &c.

And all Marriages shall be Registered by the Town Clerk of the same Town where they are consummated; and every Justice or Minister as aforesaid, shall return a Note or Certificate unto the Clerk of the Town, of the names of all persons which they shall Marry, and of the time when, within three months at farthest after Consummation of the same, and shall allow and pay out of his Fee unto the Clerk for Entering the same Three pence: Any Law, Usage or Custom to the contrary notwithstanding.

Town Clerk to Register Marriages.

And be it further Enacted by the Authority aforesaid, That if any Man shall wear Womens Apparel; or if any Woman shall wear Mens Apparel, or

Penalty on men and women that shall wear contrary Apparel, &c.

80 Affize of Shingles. Marthas Vineyard.

Apparel, and be thereof duly Convicted; they shall be corporally punished or Fined, at the discretion of the Quarter Sessions, not exceeding Five Pounds, to the use of the County where the Offence is Committed, towards the defraying of the County Charges.

An Act for Regulating the Affize of Shingles.

WHEREAS it has been accustomed that Shingles exposed to Sale, are close Packs up in Bundles, so that the quality of them cannot be seen, and do frequently fall short of the due Affize and Dimens-

ions, whereby great Injustice may be done. For Remedy whereof.

Be it Enacted by the Lieutenant Governour, Council and Representatives, in General Court Assembled, and by the Authority of the same, That all Shingles exposed to Sale, shall be made of good sound Timber, and of the following Dimentions, That is to say, each Shingle to bear eighteen Inches or fifteen Inches in length; and not under three and half Inches in breadth, nor under half an Inch thick, and well shaved; all Shingles of eighteen Inches and fifteen Inches respectively, to be made up in distinct Bundles by themselves.

Affize of Shingles.

All Shingles under due Affize, exposed to sale to be forfeited.

Justices of the Peace to appoint a Viewer.

Defective Shingles forfeited to be to the use of the poor.

And be it further Enacted by the Authority aforesaid, That from and after the first day of September next ensuing, No person shall expose to Sale any such Shingles, which are not of the full dimentions, of length, breadth and thickness aforesaid; On pain of forfeiting every bundle, wherein any Shingles shall be found under any of the said dimentions of length, breadth or thickness. And if any person to whom any Shingles are tendered to be Sold, shall desire to have them viewed, upon his application made to a Justice of Peace, such Justice is hereby Impowred to make out a Warrant for the appointing and authorizing some able House-Carpenter to view and measure the same; and to administer an Oath unto him to deal faithfully and impartially therein; and in the presence of the Owner or Vender of such Shingles (if he see cause to be there) to perform the said Service, and to make seizure of all such bundles of Shingles, in which there shall be any found under the full dimentions above mentioned, in any particular thereof. And upon such return made by the said Officer under his hand to the Justice who granted the Warrant, such Justice shall declare the said Shingles to be forfeited; and cause them to be delivered unto the Select men or Overseers of the Poor of the Town, where they are offered to Sale, to be employed to and for the use of the Poor of such Town: The charges of viewing being first defrayed and answered for out of the same: But where there appears no defects, the person at whose desire the Survey is appointed, shall answer the whole charge thereof.

An Act for the better Settlement of the Islands of Marthas Vineyard, and Islands adjacent.

Be it Enacted by the Lieutenant Governour, Council and Representatives, Convened in General Court or Assembly, and by the Authority of the same, That the Islands of Marthas Vineyard, Elizabeth Islands, the Islands called Nomans Land, & all the dependencies formerly belonging to Dukes County (the Island of Nantucket only excepted) shall be, remain and continue to be one County

81 Settlement & Support of Ministers.

ty to all intents and purposes, by the name of Dukes County: And all Appeals from any Judgment or Judgments given or to be given in any of the Inferiour Courts of Pleas within the said County, shall henceforth be heard and tryed at the Superiour Court of Judicature to be holden from time to time at Plymouth within the Neighbouring County of Plymouth, any Law, Usage or Custom to the contrary notwithstanding: the Jurors to Serve at said Superiour Courts of Judicature to be from time to time chosen and summoned out of the several Towns within the said County of Plymouth and Dukes County according to the directions in the Law in such case provided. The Island of Nantucket to remain and continue under the same Form of Government as is already there teled: and Appeals from the Judgments given or to be given in the Inferiour Court of Pleas within the said Island, to be heard and tryed in the Superiour Court of Judicature to be held at Boston within the County of Suffolk as is by Law provided.

Appeals from Courts in Dukes County to be to Plymouth.

Appeals from Courts in Nantucket to be to Boston.

An Act in further Addition to the Act Entitled, An Act for the Settlement and Support of Ministers.

Be it Enacted by the Lieutenant Governour, Council and Representatives in General Court Assembled, and by the Authority of the same, That when at any time a Church shall make choice of a Minister, and present their choice unto the Inhabitants of the Town or Precinct in a Publick meeting duly warned and assembled for that purpose, to have their concurrence therein; and the Inhabitants so Assembled, shall by a major Vote deny their approbation of the Churches choice; the Church may call in the help of a Council consisting of the Elders and Messengers of three or five Neighbouring Churches, which Council are hereby Impowred to Hear, Examine and Consider the exceptions and allegations made against the Churches Election. And in case the Council shall notwithstanding approve of the said Election, such Minister accepting of the Choice, and settling with them, shall be the Minister of the Town or Precinct, who shall be in all respects supported and maintained, as by the said Act is provided; but if otherwise, the Church shall proceed to the Election of another Minister.

And it is further Declared, That no person by reason of his Voting in the Church shall be precluded from Voting as an Inhabitant of the Town: Any Law, Usage or Custom to the contrary notwithstanding.

L

ACTS