

C H A P.
XXVI.
Men to be
raised, &c.

II. AND, for the manning the said ship or galley and barges, BE IT ENACTED, That not exceeding three hundred and fifty men, to consist of a due proportion of able seamen and watermen, or persons used to bay craft, and landmen or marines, be raised by voluntary enlistment, to serve on board the said vessels until the first day of January, seventeen hundred and eighty-four, or during the war; and every person entering into this service shall witness the same, by voluntarily subscribing an engagement to serve as a seaman, waterman or marine, as the case may be, on board the said ship or galley, or some one of the said barges, belonging to this state, until the first day of January, seventeen hundred and eighty-four, or during the war, unless sooner discharged by order of the governor and council; and all officers, seamen, watermen and marines, engaging in this service, shall be subject to the last articles established by congress for the government of the navy of the United States, except such part of the articles as relate to the constitution of a court-martial for the trial of officers.

Governor, &c.
may order officers
to be arrested, &c.

III. AND BE IT ENACTED, That the governor and council, or commanding officer of the said ship or galley and barges, may, on complaint against any officer for a breach or violation of the said articles, order such officer to be arrested, and may issue their or his warrant to any number of commissioned officers, not less than five nor exceeding seven, who shall be a court-martial for the trial of such offender; and the governor and council, or commanding officer of the said ship or galley and barges, may order a court-martial, to consist of not less than three nor exceeding five commissioned officers as aforesaid, for trial of any non-commissioned officer, mariner or marine, for any breach of the said articles, and if such number cannot be procured, then to such officers of equal rank in the navy or regular service of the United States as will make up such number; and every person appointed shall take the oath required by the articles established for the government of the navy of the United States, and on their judgment the same sentence and execution shall take place as is declared by the said articles on the judgment of a court-martial; and sentence for any capital offence shall not be put in execution before it be confirmed by the governor; and every sentence, with a summary of the evidence and the proceedings thereon, shall be transmitted to him, and he may pardon any sentence of death absolutely, or on such conditions as he may think proper.

Able bodied
men only to be
enlisted, &c.

IV. AND BE IT ENACTED, That no person shall be enlisted but such as are able bodied, perfect in all their limbs and sight, of sound health, and without ruptures or other visible infirmities, above five feet four inches high, and above sixteen and under fifty years of age, and if above forty, of robust constitution, and natives are to be preferred, and such as are connected by marriage, or have property in the state; and no deserters from the British army or navy, or servants or apprentices, are to be enlisted on any account; and the officer enlisting shall make return of the names of such person enlisted, the time when, and the country of his birth and place of his last residence, with his stature, proportion and complexion; or other description.

Duties to be
appropriated,
&c.

V. AND BE IT ENACTED, That all the duties imposed by this act on the trade of this state shall be appropriated for the defence of the bay and the protection of trade, and such further sum as may be necessary, not exceeding in the whole the sum of thirty thousand pounds, besides provisions, to be received out of the public magazines and stores; and the said money shall be procured by the sale of specifics collected in virtue of the bill to raise the supplies for the present or ensuing year, not appropriated to other purposes before the passing this act; and the governor and the council are requested to sell any of the specifics, from time to time, to raise the money necessary for the execution of this act.

Officers, &c. to
be provided
for, &c.

VI. AND BE IT ENACTED, That if any officer, seaman, waterman or marine, shall lose a limb, or be otherwise maimed or hurt, so as to be rendered incapable of procuring a livelihood, such officer, seaman, waterman or marine, shall be entitled to receive the same provision and support as is or shall hereafter be established by this state for its officers and soldiers in the service of the United States.

Penalty on en-
ticing men to
leave the ser-
vice, &c.

VII. AND, to prevent masters of vessels and others from enticing any seaman, waterman or marine, to leave the service of the state, BE IT ENACTED, That if any person shall persuade or entice any seaman, waterman or marine, to leave the service of this state, such person, on conviction thereof in the general or any county court, shall forfeit fifty pounds current money; and if any master or mate of any vessel shall hire or entertain, or conceal, or endeavour to conceal, any seaman, waterman or marine, entered in the service of this state, knowing him to belong to such service, such master or mate, on conviction thereof before the governor and the council, or any one of the judges of the general court, or any two justices of the peace, shall forfeit twenty pounds current money; and if any seaman, or other person employed on board any vessel, shall entertain or conceal, or endeavour to conceal, any seaman, waterman or marine, entered in the service of the state, and knowing