

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.

C H A P.
XXVI.

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 constitutions; 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 each 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.

Able bodied men only to be enlisted, &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 procured 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 said specifics, from time to time, to raise the money necessary for the execution of this act.

Duties appropriated, &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.

Officers, &c. losing a limb, &c. to be provided for.

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 him to belong to such service, such person, convicted thereof as aforesaid, shall thereupon be deemed as entered in the service of the state for three years, as a seaman, waterman, or marine, and receive wages as such; and the governor and council are hereby

Penalty on persons enticing seamen, &c. to leave the service, &c.