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## ACTS OF GENERAL ASSEMBLY, JAN. 6, 1639-40\* (Concluded)

*And* whereas upon consideration of the repairing of the forte it was conceived by the Assembly to be a vain and fruitless endeavour in regard of the apparent decay of the foundation. It is therefore thought fitt that there be levied the next year by the Sheriffs two pounds of Tobo. p. poll for every tithable person towards the making and erecting of a plattform at Point Comforte whereon to mount the Ordinance and also for the building of a convenient house for the sd Capt wch sd two pounds of Tobo. p. poll is to be paid by the Sheriffs to such Surveyor or officer as shall be appointed by the Governor and Council to oversee the worke.

*That* there be also levied the next year by the Sheriffs as aforesd two pounds of Tobo. for every tithable person throughout the Colony for and towards the building of a

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\*This is the second instalment of the Acts of the General Assembly, Jan. 6, 1639-40. The first instalment was published in the January, 1924, number of the William and Mary Quarterly. In William Tatham's Historical and practical essay on the culture and commerce of tobacco, published in London, 1800, pages 149 to 184, will be found some of the laws of this session, which the author undoubtedly copied from the same manuscript in the archives of the general court, afterwards used by Conway Robinson for making his copy. Tatham does not print all the laws, only those relating to tobacco. There is some variation in the names of the viewers of tobacco as printed by Tatham, and as copied by Robinson.

Act shall be good to all intents and purposes although it be not done or any acknowledgmt thereof made in any court within the Colony as if this Act of Assembly [?] had been.

(17) *Whereas* it was enacted at a Grand Assembly Anno 1637 that Trade for Powder &c it should be adjudged felony in Felony. any person or persons to barter with the Indians for pieces powder shott or other arms or ammunition or any other comodities whatsoever without Commission from the Governor It is thought fitt and accordingly enacted that the penalty of Felony in the sd Act expressed shall be repealed unless it be for bartering or trading with the Indians for pieces powder and shott in which case the sd act is to remain in force. And if any person shall barter or trade with the Indians for any other Comodities such person shall suffer imprisonment at the discretion of the Governor and Council.

(18) *Whereas* it was enacted at a Grand Assembly Anno 163 [?] Concerning places of the orders concerning Church Burial of the Dead. Governmts that there should be a place allotted every plantation for the burial of the dead the sd place to be appointed by the commander and the minister. It is now further enacted for the better execution of the sd act that Commissioners for monthly courts shall lay out a convenient parcel of ground in every plantation for burial of the dead and that the Churchwardens of the parish are to take care to have the sd parcel of ground impaled at the Charge of the Inhabitants, and the Churchwardens from time to time are to keep the pailing in repair upon such penalty in case of their neglect as shall be thought fitt by the Governor and Council.

*Whereas* it appeareth that some of the Sheriffs by reason