

CHAPTER 24.

AN ACT IN FURTHER ADDITION TO AN ACT INTIT[*U*]LED “AN ACT FOR THE SETTLEMENT AND SUPPORT OF MINISTERS AND SCHOOLMASTERS.”

Preamble.
1692-93, chap.
26.

WHEREAS, in and by an act made and passed in the fourth year of the reign of King William and Queen Mary, intit[*U*]led “An Act for the settlement and support of ministers and schoolmasters,” it is, among other things, enacted “That the inhabitants of each town within this province shall take due care, from time to time, to be provided of an able, learned, orthodox minister or ministers, of good conversation, to dispense the word of God to them; which minister or ministers shall be suitably encouraged and sufficiently supported and maintained by the inhabitants of such town;” and *whereas*, notwithstanding the provision aforesaid, some towns, districts, precincts or parishes within this province have chosen to, and settled in, the work of the ministry ignorant and illiterate persons, by means whereof the validity of the assessments made for the support of such persons has been disputed, and the peace and good order of such towns, districts, precincts and parishes have been greatly disturbed; for prevention whereof for the future,—

*Be it enacted by the Governo[*u*]r, Council and House of Representatives,*

Towns, &c., not
to be assessed
towards the
support of
illiterate minis-
ters, unless.

That it shall not be lawful for any town, district, precinct or parish to assess the inhabitants thereof for or towards the support or maintenance of any person who shall be hereafter called to or settled in the work of the gospel ministry in such town, district, precinct or parish, unless such person shall have been educated at some university, college, or public[*k*] academy for the instruction of youth in the learned languages, and in the arts and sciences; or shall have received a degree from some university, college, or such public[*k*] academy; or shall have obtained testimonials under the hands of the major part of the settled ministers of the gospel in the county where such town, district, precinct or parish shall lie, that they apprehend him, the said person being a candidate for the gospel ministry, to be of sufficient learning to qualif[*ie*][*y*] him for the work of such ministry; and all assessments contrary to this act shall be void, and have no effect. [*Passed February 13; published February 14, 1760.*]

CHAPTER 25.

AN ACT FOR RAISING A SUM OF MONEY BY LOTTERY, FOR DRAWING IN SUCH OF THE NOTES OR BILLS OF THE LATE LAND-BANK OR MANUFACTORY COMPANY, AS ARE YET OUTSTANDING.

Preamble.
1758-59, chap.
20.

WHEREAS it has been represented to this court that near one thousand pounds of the notes or bills issued by the late Land-Bank or Manufactory Company are still outstanding, and remaining to be redeemed; and that, by reason of the death of many of that company, the insolvency of others, and the removal of divers of them out of the province (having first alienated their estates which lay within the same), the raising a sum of money, by assessment on the rest of the

partners, sufficient to exchange those bills, now much enhanced in value by the interest grown thereon, will greatly burthen and distress them; and that, since the loss of the books, accounts, and other papers containing the affairs and transactions of that company,—which, together with the court-house in Boston, were providentially consumed by fire, — it will be difficult, if not impracticable, to apportion and lay such burthen equitably among such of the surviving partners as remain within this province: to the end, therefore, that such of those notes or bills as are still outstanding, with the interest daily growing thereon, may be speedily drawn in and consumed, and a final period put to the perplexed affairs of that company, and for preventing frequent applications to this court in relation thereto, whereby the publick affairs of the province have heretofore been greatly interrupted,—

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

[SECT. 1.] That Messieurs Joshua Henshaw, Joseph Jackson, Thomas Cushing, Samuel Hewes, John Scollay, Benjamin Austin, and Andrew Oliver, jun., or any three of them, be and hereby are impowered to set up and carry on one or more lottery or lotteries, amounting in the whole to such a sum as, by drawing or deducting twelve and an-half per cent out of the same, may raise three thousand five hundred pounds, and no more; and that the said sum of three thousand five hundred pounds, raised by the deduction aforesaid, be, by the persons above named, paid to Samuel Danforth, Nathanael Hatch, and Thomas Goldthwait, Esqrs., commissioners appointed by this court to settle the affairs of the said Land-Bank or Manufactory Scheme, within ten days after the sale of the tickets of said lottery shall be completed, taking their receipt for the same; or, if the persons aforesaid shall think fit to raise said sum of three thousand five hundred pounds by more lotteries than one, then the money raised by each lottery, by the deduction aforesaid, shall, within ten days after the tickets of each lottery, respectively, are sold, be paid by them to the commissioners or to the major part of them.

Selectmen of Boston allowed and empowered to set up and carry on one or more lotteries for redeeming land-bank notes.

And be it further enacted,

[SECT. 2.] That the persons aforesaid first mentioned, or any three of them, be and they hereby are declared to be the managers or directors of each and every of the said lottery or lotteries, and are hereby impowered to make all necessary rules, and use all necessary methods, to manage and direct the same.

Any three of them may be managers or directors.

And be it further enacted,

[SECT. 3.] That the said managers or directors, with all convenient speed, after the sale of the tickets of each lottery, shall make preparation for drawing the same, and shall give notice in the publick prints, of the time and place of drawing, at least ten days before the drawing begins, that any of the adventurers, if they think fit, may be present at the drawing.

Said managers to dispose of the tickets, make preparation for the drawing, and to give public notice.

[SECT. 4.] And as soon as may be after drawing of each lottery, the said managers shall cause a list of the benefit-tickets, expressing the number and value of each of them, to be printed in one of the publick newspapers, at the same time notifying the owners of such benefit-tickets of the time and place when and where they may apply for the payment of such tickets; and if any dispute shall arise about the property of any of the said benefit-tickets, the major part of the managers shall determine to whom it doth or ought to belong.

Managers directed in their proceedings.

And be it further enacted,

[SECT. 5.] That the said benefit-tickets shall be paid off by the managers aforesaid within twenty days after the drawing of each lottery is finished, upon application of the owner or owners of such

Benefit-tickets to be paid off by the managers within twenty

days after drawing.

tickets, and delivering them up to be cancelled; and to secure the payment of such benefit-tickets to the owner or owners of them, the said managers, and their estates, are hereby held and subjected to satisfy and make good the same, in like manner as they and their estates are subjected by law to satisfy and make good their own proper debts: *provided*, that if the money in said managers' hands shall be lost by fire, or any other extraordinary or unavoidable accident, the said managers, and their estates, shall not be so held and subjected.

And be it further enacted,

Owners of benefit-tickets not applying for their money in one year, in case, shall not be entitled to the same.

[SECT. 6.] That, if the owner or owners of any benefit-tickets shall, for the space of one year after the drawing aforesaid, neglect to apply for the payment of such ticket or tickets, unless he, she or they shall have been at sea or out of the province for that term of time, (and to such persons eighteen months shall be allowed to produce their tickets), he, she or they shall not be intitled to receive the same, but such ticket and tickets are hereby declared to be cancelled, and of no value; and the money in the hands of said managers, which was to have been applied to the payment of such tickets, shall, after the expiration of the term aforesaid, be paid to the province treasurer for the use of this province.

And be it further enacted,

Managers, &c., to be on oath.

[SECT. 7.] That each manager aforesaid, before his acting in the capacity of manager, shall take an oath for the faithful execution of the trust reposed in him by virtue of this act. And every person employed about each lottery shall take an oath for the faithful performance of his trust; which last oath may be administered by any one of the managers, who are hereby impowered to administer the same.

And be it further enacted,

Managers to keep account of the time of their attendance, &c.

[SECT. 8.] That the managers aforesaid shall keep a particular account of the days of their attendance upon the service aforesaid, and for each whole day's attendance shall be allowed the sum of six shillings, the same to be paid by the commissioners aforesaid, or the major part of them, out of the monies raised by virtue of this act: *provided*, that no more than three of the managers aforesaid shall be intitled to such allowance for one and the same day.

And be it further enacted,

Managers to receive accounts of charge, &c.

[SECT. 9.] That the managers aforesaid, after each lottery shall be finished, shall receive the accounts of all charges arisen thereon, and, having found them just, shall certify the same upon said accounts, to the said commissioners, or the major part of them, who are hereby directed to pay the same out of the monies aforesaid.

And be it further enacted,

Lotteries to be finished in eighteen months.

[SECT. 10.] That the lottery or lotteries aforesaid shall be wholly compleated and finished within eighteen months from the first day of March, one thousand seven hundred and sixty.

And be it further enacted,

How the monies are to be applied.

[SECT. 11.] That the commissioners aforesaid, or the major part of them, shall, and they hereby are directed to, apply the money, from time to time, as they may receive it from the managers of the lotteries aforesaid (saving so much as shall be sufficient to defrey the necessary charges of said lotteries; and any dues or charges incurred, or that may arise in transacting the affairs of that company, which shall be judged to require speedy payment), to redeem the notes or bills of the said manufactory company, and pay the interest that may be due upon them, they, the said commissioners, or the major part of them, giving notice of the time and place, which shall be within the town of Boston, when and where they will attend to redeem the said bills; which notice shall be given in the several weekly newspapers printed in Bos-

ton; and those persons possessed of any of said manufactory bills, who shall first apply for the redeeming of them, shall be intitled to have them first redeemed.

And be it further enacted,

[SECT. 12.] That when the commissioners aforesaid shall have received a sufficiency of money to redeem the whole of said bills, they shall give notice thereof, as aforesaid, to the possessors of said bills; and said notice, being given six weeks, successively, in all the weekly newspapers aforesaid, is hereby made and declared a legal tender to all and every such possessor and possessors.

Commissioners to give notice of the time of redeeming bills.

And be it further enacted,

[SECT. 13.] That the commissioners aforesaid, together with the former commissioners, shall, within three months after the completing of the lotteries aforesaid, lay before this court, for their allowance and approbation, an account of their proceedings in the affairs of said company, and of their disposition of the money received by them by virtue of this act.

Commissioners to lay their accounts before the general court, within a limited time.

And be it further enacted,

[SECT. 14.] That if the sum raised by virtue of this act shall be more than sufficient to defrey the charges of the lotteries aforesaid, redeem the manufactory bills, and pay the commissioners aforesaid for their services and expences in settling the affairs of said company, the surplusage shall be paid into the province treasury, for the use of the province.

Surplusage to be paid to the province treasurer.

[SECT. 15.] And the commissioners aforesaid are hereby directed to forbear issuing any assessment against said partners, during the term herein before limited for finishing said lottery or lotteries, unless by order of this court. [*Passed February 13; published February 14, 1760.*]

Commissioners directed.

CHAPTER 26.*

AN ACT FOR ESTABLISHING AND REGULATING THE FEES OF THE SEVERAL OFFICERS, WITHIN THIS PROVINCE, HEREAFTER MENTIONED.

Be it enacted by the Governor, Council and House of Representatives in General Court assembled,

[SECT. 1.] That from and after the publication of this act, the establishment of the fees belonging to the several officers hereafter mentioned, in this province, be as followeth; viz^[1],—

Fees established. 1756-57, ch. 30.

JUSTICE'S FEES.

For granting a writ together with a summons, or original summons, one shilling.

Justice's fees.

Subpœna, for each witness, a pen^[n]y halfpenny.

Entering an action or filing a complaint in civil causes, two shil^[l]ings^[s].

Writ of execution, one shilling and fourpence.

Filing papers, each, a penny halfpenny.

Taxing a bill of cost, threepence.

Entering up judgment in civil or criminal ca^[u]ses, ninepence.

Copy of every evidence, original papers or records, eightpence per page for each page of twenty-eight lines, eight words in a line: if less than a page, fourpence.

* This chapter has been compared with the MS. record in the Secretary's office; and the words and letters in Roman characters, in brackets, are in the record, but not in the printed act.