

are directed and impowered to do; *and whereas*, by experience, the fire-wards, who have been annually chosen by the town of Boston, have been found to be of great use and service to the said town at times of fires, and it is apprehended it would greatly serve the said town if their numbers were increased,—

*Be it therefore enacted by the Lieutenant-Governour, Council and House of Representatives,*

Town of Boston  
empowered to  
choose twelve  
fire-wards.

That it shall and may be lawful[1] for the town of Boston, who at present have ten fire-wards, at any town meeting warned for that purpose, to el[1]ect and appoint two more meet persons as fire-wards, who shall serve in that office till their anniversary meeting in March next; and from thenceforward, as they shall see cause, to chuse twelve persons for that purpose, annually, who shall do the duty and be invested with the like powers and priviledges as fire-wards in and by the said act are invested withal. [*Passed June 4; published June 16.*]

### CHAPTER 3.

AN ACT FOR GRANTING UNTO HIS MAJESTY AN EXCISE UPON WINES AND SPIRITS DISTILLED, SOLD BY RETAIL, AND UPON LIMES, LEMMONS AND ORANGES.

WE, his majesty's most loyal and dutiful subjects, the representatives of the province of the Massachuset[t]s Bay, in general court assembled, being desirous to lessen the present debt of the province, have chearfully and unanimously granted, and do hereby give and grant unto his most excellent majesty, for the ends and uses above mentioned, and for no other uses, an excise upon all brandy, rum and other spirits distilled, and upon all wines whatsoever sold by retail, and upon lemons, limes and oranges taken in and used in making of punch or other liquors mixed for sale, or otherwise consumed, in taverns or other licensed houses within this province, to be raised, levied, collected and paid by and upon every taverner, innholder, common victual[er] and retailer within each respective county, in manner following:—

*And be it accordingly enacted by the Lieutenant-Governour, Council and House of Representatives,*

Time of this  
act's continu-  
ance.

[SECT. 1.] That from and after the twenty-ninth day of June, one thousand seven hundred and fifty-two, for the space of one year, every person licensed for retailing rum, brandy or other spirits, or wine, shall pay the duties following:—

Rate of excise.

For every gallon of brandy, rum and spirits distill[er]'d, fourpence.

For every gallon of wine of every sort, sixpence.

For every hundred of lem[m]ons or oranges, four shillings.

For every hundred of limes, one shilling and sixpence.

—And so proportionably for any other quantity or number.

*And be it further enacted,*

Account to be  
taken.

[SECT. 2.] That every taverner, innholder, common victual[er] and retailer, shall, upon the said twenty-ninth day of June, take an exact acco[mp][unt] of all brandy, rum and other distilled spirits, and wine, and of all lem[m]ons, oranges and limes then by him or her, and give an account of the same, upon oath, if required, unto the person or persons to whom the duties of excise in the respective counties shall be let[t] or farmed, as in and by this act is hereafter directed; and such other persons as shall be licensed during the continuance of this act, shall also give an account, as aforesaid, upon oath, what brandy,

rum or other distilled spirits, and wine, and of what lem[m]ons, oranges or limes he or they shall have by him or them at the time of his or their licence; which oath the person or persons farming the duties aforesaid shall have power to administer in the words following; viz<sup>t</sup>.,—

You, A. B., do swear that the acco[mp][un]t exhibited by you is a just and true acco[mp][un]t of all brandy, rum and other distilled spirits, and wine, lem[m]ons, oranges and limes you had by you on the twenty-ninth day of June last. So help you God. Form of an oath.

And where such person shall not have been licens[e]d on said twenty-ninth day of June, the form of the oath shall be so varied as that instead of those words, “on the twenty-ninth day of June last,” these words shall be inserted and used, “at the time of your taking your licence.”

*And be it further enacted,*

[SECT. 3.] That every taverner, innholder, common victual[l]er and retailer shall make a fair entry in a book, of all such rum, brandy and other distilled spirits, and wine, as he or they, or any for him or them, shall buy, distill and take in for sale after such acco[mp][un]t taken, and of lem[m]ons, oranges and limes taken in, consumed or used as aforesaid, and at the end of every six months, deliver the same, in writ[t]ing, under their hand, to the farmer or farmers of the duties aforesaid, who are impow[er]ed to administer an oath to him or them, that the said acco[mp][un]t is, *bonâ fide*, just and true, and that he or they do not know of any rum, brandy or other distilled spirits, or wine, sold, directly or indirectly, or of any lem[m]ons, oranges or limes used in punch or otherwise, by him or them, or any under him or them, or by his or their privy or consent, but what is contained in the acco[mp][un]t now exhibited, and shall pay him the duty thereof, excepting such part as the farmer shall find is still remaining by him or them; twenty per cent to be allowed on the liquo[u]rs afore mentioned for leakage and other waste, for which no duty is to be paid. Within six months, accounts to be delivered.  
  
Twenty per cent allowed for leakage.

*Provided always, and it is the true intent and meaning of this act,—*

[SECT. 4.] That if any taverner, retailer or common victual[l]er, shall buy of any other taverner or retailer such small quantity of liquo[u]rs as this act obliges him to acco[mp][un]t for to the farmer, and pay the excise, such taverner, retailer or common victual[l]er shall be exempted and excused from acco[mp][un]ting or paying any excise therefor, inasmuch as the same is acco[mp][un]ted for, and the excise therefor to be paid, by the taverner or retailer of whom he bought the same. Proviso.

*And be it further enacted,*

[SECT. 5.] That every taverner, innholder, common victual[l]er or retailer, who shall be found to give a false acco[mp][un]t of any brandy, distilled spirits, or wine, or other the commodit[y][ie]s aforesaid, by him or her on the said twenty-ninth day of June, or at the time of his or her taking licen[s]c[e], or bought, distilled, or taken in for sale afterwards, or used as aforesaid, or refuse to give in an acco[mp][un]t, on oath, as aforesaid, shall be rendered incapable of having a licence afterwards, and shall be prosecuted by the farmer of excise in the same county, for his or her neglect, and ordered by the general sessions of the peace to pay double the sum of money as they may judge that the excise of liquo[u]rs, &c., by him or her sold within such time, would have amounted to, to be paid to the said farmer. Penalty on giving a false account.

*And be it further enacted,*

[SECT. 6.] That the justices in their general sessions of the peace shall take recognizances, with sufficient sureties, of all persons by them General sessions to take recognizance.

licensed, both as to their keeping good rule and order, and duly observing the laws relating to persons so licensed, and for their du[e]ly and tru[c]ly rendering an acco[m]p[un]t in writ[t]ing under their hands as aforesaid, and paying their excise in manner as aforesaid; as also that they shall not use their licence in any house besides that wherein they dwell; which recognizance shall be taken within the space of thirty days after the granting of such licence, otherwise the persons licensed shall lose the benefit of his or her said licence; and no person shall be licensed by the said justices that hath not acco[m]p[un]ted with the farmer, and paid him the excise due to him from such person at the time of his asking for such licence.

Preamble.

*And whereas*, notwithstanding the laws made against selling strong drink without licence, many persons not regarding the penalties and forfeitures in the said act, do receive and entertain persons in their houses, and sell great quantit[y][ie]s of spirits and other strong drink, without licence so to do first had and obtained, by reason whereof great debaucheries are committe[d] and kept secret, the end of this law in a great measure frustrated, and such as take licences and pay the excise greatly wronged and injured,—

*Be it therefore enacted,*

Forfeiture of  
£4 for selling  
without  
licence, &c.

[SECT. 7.] That whosoever, after the said twenty-ninth day of June, one thousand seven hundred and fifty-two, shall presume, either directly or indirectly, to sell any brandy, rum or other distilled spirits, wine, beer, cyder, perry or any other strong drink, in any smaller quantity than a barrel (thirty gallons to be accounted a barrel, and all delivered to one person without drawing any part of it off), without licence first had and obtained from the court of general sessions of the peace, and recognizing in manner as aforesaid, shall forfeit and pay for each offence, the sum of four pounds and costs of prosecution; the one half to the farmer, and the other half to the informer: and all such as shall refuse or neglect to pay the fine aforesaid, shall stand closely and strictly committed in the common goal of the county for three months at least, and not to have the liberty of the goaler's house or yard; and any goaler giving any person liberty contrary to this act, shall forfeit and pay two pounds, and pay costs of prosecution as aforesaid: and if any person or persons, not licensed as aforesaid, shall order, allow, permit[t] or connive at the selling of any strong drink, contrary to the true intent or meaning of this act, by his or her child or children, servant or servants, or any other person or persons belonging to or in his or her house or family, and be thereof convict, he, she or they shall be reputed the offender or offenders, and shall suffer the same penalties as if he, she or they had sold such drink themselves.

*And be it further enacted,*

One witness  
sufficient for  
conviction.

[SECT. 8.] That when any person shall be complained of for selling any strong drink without licence, one witness produced to one such fact, and another produced to another, shall be sufficient conviction, provided that there be not more than the space of six months between the facts concerning which such witnesses declare. And when and so often as it shall be observed that there is a resort of persons to houses suspected to sell strong drink without licence, any justice of the peace shall have full power to convene such persons before him, and examine them upon oath concerning the person suspected of selling or retailing strong drink in such houses, outhouses or other depend[an]c[ie]s thereof; and if upon examination of such witnesses, and hearing the defence of such suspected person, it shall appear to the justice there is sufficient proof of the violation of this act by selling strong drink without licence, judg[em]ent may thereupon be made up against such person, and he shall forfeit and pay in like manner as if process had been

commenced by bill, plaint or information before the said justice, or otherw[ays][ise] may bind over the person suspected and the witnesses, to the next court of general sessions of the peace for the county where such person shall dwell.

*And be it further enacted,*

[SECT. 9.] That when and so often as any person shall be complained of for selling any strong drink without licence to any negro, Indian or molatto slave, or to any child or other person under the age of discretion, and upon the declaration of any such Indian, negro or molatto slaves, child or other person under the age of discretion, and other circumstances concurring, it shall appear to be highly probable in the judgment of the court or justice before whom the trial shall be, that the person complained of is guilty, then, and in every such case, unless the defendant shall acquit him- or herself upon oath (to be administered to him or her by the court or justice that shall try the cause), such defendant shall forfeit and pay two pounds to the farmer of excise and costs of prosecution; but if the defendant shall acquit him- or herself upon oath as aforesaid, the court or justice may and shall enter up judgment for the defend[er] to recover costs.

Penalty for selling strong drink to negroes, mulattoes, &c.

*And be it further enacted,*

[SECT. 10.] That after any person shall have been once convicted of selling strong liquo[ur]s without licence, contrary to this act, he shall, upon every offence after such first conviction, be obliged to enter into bonds, with one or more sureties, in the penalty of twenty pounds, to his majesty, for the use of this government, that he will not, in like manner, offend or be guilty of any breach of this act; and upon refusal to give such bond, he shall be committed to prison until he comply therewith.

Persons after first conviction to enter into bonds.

*And be it further enacted,*

[SECT. 11.] That if any person or persons shall be summoned to appear before a justice of the peace, or the grand jury, to give evidence relating to any person's selling strong drink without licence, or to appear before the court of general sessions of the peace, or other court proper to try the same, to give evidence on the trial of any person informed against, presented or indicted for the selling strong drink without licence, and shall neglect or refuse to appear, or to give evidence in that behalf, every person so offending shall forfeit the sum of twenty pounds and cost of prosecution; the one half of the penalty aforesaid to be to his majesty for the use of the province, the other half to and for the use of him or them who shall sue for the same as aforesaid. And when it shall so happen that witnesses are bound to sea before the sitting of the court where any person or persons informed against, for selling strong drink without licence, is or are to be prosecuted for the same, in every such case, the deposition of any witness or witnesses in writ[ing], taken before any two of his majesty's justices of the peace, *quorum unus*, and sealed up and delivered into court, the adverse party having first had a notification in writing sent to him or her of the time and place of caption, shall be esteemed as sufficient evidence, in the law, to convict any person or persons offending against this act, as if such witness or witnesses had been present at the time of trial, and given his, her or their deposition *viva voce*; and every person or persons who shall be summoned to give evidence before two justices of the peace, in manner as aforesaid, and shall neglect or refuse to appear, or to give evidence relating to the facts he or she shall be inquired of, shall be liable and subject to the same penalty as he or she would have been by virtue of this act, for not appearing, or neglecting or refusing to give his or her evidence before the grand jury or court as aforesaid.

Penalty on persons refusing to give evidence.

*And be it further enacted,*

How fines are  
to be recovered.

[SECT. 12.] That all fines, forfeitures and penalties arising by this act shall and may be recovered by action, bill, plaint or information, before any court of record proper to try the same; and where the sum forfeited does not exceed four pounds, by action or complaint before any two of his majesty's justices of the peace, *quorum unus*, in the respective counties where such offence shall be committe[e]d; which said justices are impowered to try and determine the same. And such justices shall make a fair entry or record of all such their proceedings: *saving always* to any person or persons who shall think him-, her- or themselves aggr[ei][ie]ved by the sentence or determination of the said justices, liberty of appeal therefrom to the next court of general sessions of the peace to be holden in and for said county, at which court such offence shall be finally determined: *provided* that in said appeal the same rules be observed as are already, by law, required in appeals from justices to the court of general sessions of the peace.

And to the end the revenue a[r]ising from the aforesaid duties of excise may be advanced for the greater benefit and advantage of the publick,—

*Be it further enacted,*

Persons em-  
powered to farm  
out the excise.

[SECT. 13.] That one or more persons, to be nominated and appointed by the general court, for and within the several counties within this province, publick notice being first given of the time and place and occasion of their meeting, shall have full power, and are hereby authorized, from time to time, to contract and agree with any person for or concerning the farming the duties in this act mentioned, upon brandy, rum, or other the liquo[u]rs and commodities aforesaid, in the respective counties for which they shall be appointed, as may be for the greatest profit and advantage of the publick, so as the same exceed not the term of one year after the commencement of this act; and every person to whom the duties of excise in any county shall be let[t] or farmed, shall have power to inspect the houses of all such as are licensed, and of such as are suspected of selling without licence, and to demand, sue for, and recover the excise due from licensed persons by virtue of this act.

*And be it further enacted,*

Farmer to give  
bond that the  
sum agreed for  
be paid into the  
public treasury.

[SECT. 14.] That the farmer shall give bond with two sufficient sureties, to the province treasurer for the time being, and his successors in said office, in double the sum of mon[e]y that shall be contracted for, with condition that the sum agreed be paid into the province treasury, for the use of the province, at the expiration of one year from the date of such bond; which bond the person or persons to be appointed a committee of such county are to take, and the same to lodge with the treasurer as aforesaid, within twenty days after such bond is executed. And the said treasurer, upon failure or neglect of payment at the time therein limited, shall and is hereby impow[er]ed and directed to issue out his execution, returnable in sixty days, against such farmers of excise and their sureties, or either of them, for the full sum expressed in the condition of their bonds, as they shall respectively become due, in the same manner as he is enabled by law to issue out his executions against defective constables; and the said committee shall render an account of their proceedings touching the farming this duty on rum, wine and other the liquo[u]rs and species afore mentioned, in their respective counties, to the general court in the first week of their fall sessions, and shall receive such sum or sums for their trouble and expence in said affair as said court shall think fit to allow them.

[SECT. 15.] And every person farming the excise in any county may substitute and appoint one or more deputy or deputies under him, upon

oath, to collect and receive the excise aforesaid, which shall become due in such county, and pay in the same to such farmer; which deputy or deputies shall have, use and exercise all such powers and authorities as in and by this act are given or committed to the farmers for the better collecting the duties aforesaid, or prosecuting of offenders against this act.

*And be it further enacted, anything hereinbefore contained to the contrary notwithstanding,*

[SECT. 16.] That it shall and may be lawful[l] to and for the said farmers, and every of them, to compound and agree with any retailer or innholder within their respective divisions, from time to time, for his or her excise for the whole year, in one entire sum, as they in their discretion shall think fit to agree for, without making any entry thereof as is before directed; and all and every person or persons, to whom the said excise or any part thereof shall be let or farmed, by themselves or their lawful substitutes, may and hereby are impow[er]ed to sue for and recover, in any of his majesty's courts of record (or before a justice of the peace where the matter is not above his cognizance), any sum or sums that shall grow due f[rom][or] any of the aforesaid duties of excise, where the party or parties f[or][rom] whom the same is or [or] shall become due shall refuse or neglect to pay the same.

Farmers may compound with any retailer or innholder.

*And be it further enacted,*

[SECT. 17.] That in case any person farming the excise as aforesaid, or his deputy, shall, at any time during their continuance in said office, wittingly and willingly connive at, or allow, any person or persons within their respective divisions, not licensed by the court of general sessions of the peace, their selling any brandy, wines, rum or other liquo[ur]s by this act forbidden, such farmer or deputy, for every such offence, shall forfeit the sum of fifty pounds and cost[s] of prosecution; one half of the penalty aforesaid to be to his majesty for the use of the province, the other half to him or them that shall inform and sue for the same, and shall thenceforward be forever disabled from serving in said office.

Penalty for farmers or their deputies offending.

*And be it further enacted,*

[SECT. 18.] That in case of the death of the farmers of excise in any county, the executors or administrators of such farmer shall, upon their taking such trust of executor or administrator upon them, have and enjoy all the powers, and be subject to all the duties, the farmer had or might enjoy or was subject to by force of this act. [Passed June 4\*; published June 16.]

Provision in case of death, &c.

---

## CHAPTER 4.

AN ACT FOR GRANTING THE SUM OF THREE HUNDRED POUNDS FOR THE SUPPORT OF HIS HONOUR THE, LIEUTENANT-GOVERNOUR AND COMMANDER-IN-CHIEF.

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

That the sum of three hundred pounds be and hereby is granted unto his most excell[en]t majesty, to be paid out of the publick treasury to his honour Spencer Phip[p]s, Esq[ue], lieutenant-governour and com-

Governor's grant.

\* So entered on the engrossment; but on the record it appears to have been signed June 3.