

Be it enacted,

Treasurer
further directed.

Proviso.

[SECT. 5.] That he, the said treasurer, be and he hereby is directed not to issue and send forth his warrants of assessment for the sum aforesaid: *provided, nevertheless*, that if the treasurer shall not be able to borrow the whole of the sum aforesaid on or before the first day of November next, then, and in that case, he shall issue forth his warrants, directed to the selectmen or assessors in each of the towns and districts within this province, requiring them to assess the polls, and estates both real and personal within their several towns and districts, for their respective parts and proportion of whatever sum he shall not be able to borrow of the forty-one thousand five hundred and forty pounds aforesaid, to be paid into the publick treasury by the twenty-fifth day of March next; and the assessors, as also persons assessed, shall observe, be governed by and subject to all such rules and directions as shall have been given in the then last preceeding tax act; and whatever sum the treasurer shall so issue his warrants for, shall be deducted out of the forty-five thousand pounds directed to be assessed, by the foregoing part of this act, in the year one thousand seven hundred and sixty-one. [*Passed October 17.*]

CHAPTER 10.

AN ACT FOR RAISING A SUM OF MONEY BY A LOTTERY OR LOTTERIES, FOR REPAIRING THE CAUSEWAY ON THE WESTERLY SIDE OF SUDBURY RIVER, AND FOR BUILDING A BRIDGE OVER SAID RIVER.

Preamble.

WHEREAS the causeway on the westerly side of Sudbury River, and the bridge leading over the same, are much out of repair, and oftentimes the freshet is so high that it is rendered very difficult and dangerous for travellers to pass and re-pass the same, notwithstanding the great cost and expence the town of Sudbury has been yearly at for repairing the same; *and whereas* the raising said causeway, digging a new canal of forty feet wide across said * canal to King's Pond, with three other sluices, and keeping the same in good repair, will require a considerable sum of money to effect it; for the raising whereof,—

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

John Noyes,
Josiah Brown,
Joseph Curtis,
William Baldwin,
Augustus Moore, Reynolds Seager
and Capt. Elijah Smith, of Sudbury, allowed and empowered to set up and carry on one or more lotteries.

[SECT. 1.] That Messieurs John Noyes, Josiah Brown, Joseph Curtis, William Baldwin, Augustus Moore, Reynolds Seager, and Capt. Elijah Smith, of Sudbury aforesaid, or any four of them, be and hereby are allowed and 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 ten per cent out of the same, or out of each prize or benefit-ticket, may raise eight hundred and twenty-seven pounds, and no more; and that the said sum of eight hundred and twenty-seven pounds, raised by the deduction aforesaid, be, by the persons above named, paid to the town treasurer of Sudbury aforesaid, within ten days after the sale of the tickets of said lottery shall be completed; or, if the persons aforesaid shall think fit to raise said sum of eight hundred and twenty-seven 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 treasurer aforesaid; which sum of eight hundred and twenty-seven pounds, or whatever part thereof shall be so raised, shall

How the money raised thereby shall be disposed of.

* *Sic.*

be applied towards raising said causeway, digging a new canal to King's Pond, across said * canal, with three other sluices: *saving* so much of said sum as shall be sufficient to defrey the necessary charges of the lottery or lotteries aforesaid; and to no other use whatsoever, except in case of surplusage, as in this act hereafter mentioned.

And be it further enacted,

[SECT. 2.] That the persons aforesaid, or any four 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, till the whole shall be fully compleated and finished.

Any four 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 said lottery, or of each lottery, respectively, shall make preparation for the drawing the same, and shall give notice in the publick prints of the time and place of drawing, at least ten days before the said drawing begins, that any of the adventurers, if they think fit, may be present at the drawing; and after the said drawing commences, they, the said managers, may adjourn from day to day, till the whole number of tickets of each lottery, respectively, shall be drawn: *provided*, the drawing of any one of said lotteries continue not longer than fifteen days, exclusive of Lord's Days.

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

[SECT. 4.] And the said managers or directors shall make, or cause to be made, a fair entry, in a book provided for that purpose, of all the tickets so drawn, and of the blanks and prizes drawn, answering to said tickets, and within ten days after the drawing of each lottery, respectively, shall be finished, they shall cause a list of the benefit-tickets, expressing the number and the amount of each of them, to be printed in the publick newspapers; at the same time, in the said newspapers, 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 contention or dispute shall arise in adjusting 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, respectively, is finished, upon application of the owner or owners of such 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 or directors, 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.

Benefit-tickets to be paid off by the managers within twenty days after drawing.

And be it further enacted,

[SECT. 6.] That if the owner or owners of any benefit-ticket or 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 and out of the province for that term of time (and to such person eighteen months shall be allowed to produce their tickets), he, she or they shall not be entitled 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 directors, which was to have been applied to the payment of such tickets, shall, after

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

the expiration of the term aforesaid, be immediately paid to the town treasurer of said Sudbury, for repairing and keeping in repair the causeway and bridge aforesaid.

And be it further enacted,

[SECT. 7.] That each manager or director aforesaid, before his acting in the capacity of manager or director, as aforesaid, shall take the following oath; viz.,—

Managers' or directors' oath.

I, A. B., do swear that I will faithfully execute the trust reposed in me, and that I will not use any indirect act or means to obtain a prize or benefit-lot for myself, or any other person whomsoever, and that I will do the utmost of my endeavour to prevent any undue or sinister practice to be done by any person whomsoever, and that I will, to the best of my judgment, declare to whom any prize, lot or ticket does of right belong, according to the true intent and meaning of the act of this province made in the thirty-third year of his majesty's reign, intitled "An Act for the raising a sum of money by a lottery or lotteries, for the building a bridge over the westerly side of Sudbury River, and repairing the causeway." So help me God.

Persons employed about the lottery or lotteries to be on oath.

—which oath shall be administered by any justice of the peace in the county of Middlesex; and every person employed about the lottery or lotteries aforesaid, by the directors aforesaid, shall take an oath for the faithful performance of his trust, to be administered by any justice of the peace in the county aforesaid.

And be it further enacted,

In case the whole number of tickets in each lottery shall not be sold in six months after publication of the scheme, the town of Sudbury may take the remainder to their own account, provided.

[SECT. 8.] That if the whole number of tickets in each lottery, respectively, shall not be sold and disposed of by the said directors within six months after the publication of the scheme of each lottery, respectively, it shall and may be lawful for the town of Sudbury, if they think fit, to take the remainder of said tickets, undisposed of as aforesaid, to their own account: *provided*, that within one month after the publick meeting of said town, to be called for that purpose, a sum of money be raised, and paid to the directors aforesaid, sufficient to purchase the remainder of said tickets, which shall, in that case, be delivered to such person or persons as the said town shall appoint to receive the same; but if the whole of said tickets cannot be sold within the term of six months aforesaid, and the town aforesaid refuse to take the tickets remaining unsold as aforesaid, then the money received by the said directors for the tickets sold shall be by them lodged in the hands of some suitable person in the town of Boston, which they shall give notice of in the publick newspapers, to be returned to the owners of said tickets upon their delivering up their tickets to the said directors, and the charges arisen shall be defrayed by the said town of Sudbury.

Provided, nevertheless, that the said managers shall not hereby be prohibited from carrying on said lottery or lotteries at any other time which they may judge suitable and convenient for the same.

And be it further enacted,

In case of a surplusage, how the same shall be disposed of.

[SECT. 9.] That if the sum raised by means of this act shall be more than sufficient to raise said causeway, and build a new bridge aforesaid, and defray the charges of the lottery or lotteries aforesaid, and pay the managers aforesaid for their service, as hereinafter expressed, the surplusage shall be applied towards repairing the highways in the town of Sudbury, as the said town shall direct.

And be it further enacted,

Penalty for persons who forge or counterfeit tickets, &c.

[SECT. 10.] That if any person shall forge or counterfeit any ticket or tickets to be made in consequence of this act, or alter any of the numbers thereof, or utter, vend, barter or dispose of any false, altered, forged or counterfeit ticket or tickets, or bring such ticket or tickets, knowing the same to be such, to the said directors, or any of them,

or to any other person, with a fraudulent intent, every such person or persons, being thereof convicted, in due form of law, shall suffer such pains and penalties as are by law provided in cases of forgery.

[SECT. 11.] And the said managers or directors, or any two of them, are hereby authorized and impowered to cause any person or persons bringing or uttering such false, forged or counterfeit ticket or tickets, as aforesaid, to be apprehended and committed to close goal, to be proceeded against according to law.

And be it further enacted,

[SECT. 12.] That the directors or managers aforesaid shall keep a particular account of the days of their attendance upon the service aforesaid, and for each day's attendance shall be allowed the sum of four shillings, the same not to be paid out of the monies raised by virtue of this act, unless there be a sufficiency for the purposes aforesaid, and for the payment of such their allowances; and in case of a sufficiency, they shall exhibit an account of their attendance aforesaid before a publick meeting of the town aforesaid, which account, being examined and found just, shall be paid by the town treasurer aforesaid, upon the order of the said town; but in case there shall not be a sufficiency, the town aforesaid shall make provision for the payment of such managers' allowance aforesaid: *provided*, that no more than four of the managers aforesaid shall be intitled to such allowance for one and the same day.

Managers to keep account of the time of their attendance, and exhibit the same to the town.

And be it further enacted,

[SECT. 13.] That the managers or directors aforesaid, after the said lottery, or each of the said lotteries, respectively, is finished, shall receive the accounts of all charges arisen thereon, and, having found them just, shall certify the same upon said accounts, and direct the town treasurer aforesaid to pay them off and discharge them.

Managers to receive accounts of charge, and order payment.

And be it further enacted,

[SECT. 14.] That the managers aforesaid shall contract and agree for the raising said causeway and building the bridge aforesaid, and for the materials and labour necessary to do the same, at money price, and shall draw on the town treasurer aforesaid for the payment thereof; and, when the said causeway and bridge are finished, they shall exhibit a particular account of the cost of the same, and lay it before the town aforesaid at one of their publick meetings, in order to put on file with their other papers. [*Passed October 20.*]

Managers to contract for the work and materials, &c.

CHAPTER 11.

AN ACT PROVIDING FOR THE RECEPTION AND ACCOM[M]ODATION OF HIS MAJESTY'S FORCES WITHIN THIS PROVINCE.

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

[SECT. 1.] That when and so often as, during the continuance of this act, it shall be judged necessary for the defence of his majesty's dominions or for carrying on measures against his enemies, that any of his majesty's regular forces should march through any of the towns or districts within this province, every taverner or innholder within such town or district shall receive and entertain, within their respective houses and outhouses, as many of such forces as can therein be received and accom[m]odated; and if such forces shall not be provided with victuals, every such taverner or innholder shall furnish them with

Regular forces marching through the province to be provided with quarters, &c.