

clerk respectively, may be prosecuted upon this or any former act relating to marriages, within two years after the offence committed, and not afterwards; any law, usage or custom to the contrary notwithstanding. [Passed December 1.]

CHAPTER 17.

AN ACT FOR THE MORE EFFECTUAL PREVENTING DEFAULT IN THE APPEARANCE OF JURORS.

WHEREAS the mulets or fines set upon jurors for not appearing and attending the several courts of justice within this province, whereto they are respectively chosen and summoned, are by law limited to the sum of forty shillings, by reason whereof persons most able and best qualified to perform that duty oftentimes choose rather to incur and undergoe so small a penalty than to perform that service, which hath prov[e]d a general inconvenience, tending greatly to the damage of many persons in cases of the greatest moment and concern, as well as very much retarding the business and affairs of the several courts; for remedy whereof,—

Be it enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,

[SECT. 1.] That the justices of the superiour court of judicature, court of assize and general goal delivery, and the justices of the inferiour court of common pleas, and of the general sessions of the peace, respectively, shall and hereby are required to set reasonable fines upon all jurors duely return[e]d to serve in the said courts, that make default, unless necessitated thereto by reason of sickness or some other extraordinary let[t] or hindrance, not less than the sum of four pounds, nor exceeding the sum of six pounds, each, at the discretion of the said justices, and to cause the same to be levied and disposed of as by law provided.

1698, chap. 13.

Superior and inferior courts to set fines on jurors that make default.

And be it further enacted,

[SECT. 2.] That the fee or allowance to be paid to the petty jury for each verdict shall be thirteen shillings; any law, usage or custom to the contrary notwithstanding. [Passed November 29.]

Petit jury's allowance thirteen shillings.

CHAPTER 18.

AN ACT FOR THE MAKING AND EMITTING THE SUM OF ONE HUNDRED THOUSAND POUNDS IN BILLS OF CREDIT ON THIS PROVINCE, IN SUCH MANNER AS IN THE SAID ACT IS HEREAFTER EXPRESSED.

WHEREAS, by reason of a long and expensive war which his majesty's good subjects of this province have been lately engaged in for their own necessary defence, and of some very chargeable expeditions undertaken against the French of Canada, and other places, by royal orders from her late majesty, there is an heavy debt now lying on the publick; and whereas all the silver money which formerly made payments in trade to be easy, is now sent into Great Britain to make returns for part of what is owing there, and the bills of credit on the province, being yearly called in, are now grown very scarce, and few of them passing in proportion to the great demand there is for the same; to the intent, therefore, that there be some relief under these present difficulties, and that

the husbandry, fishery and other trade and commerce of the province may be encouraged and promoted,—

Be it therefore enacted by His Excellency the Governour, Council and Representatives in General Court assembled, and by the authority of the same,

One hundred thousand pounds in bills to be made, and put into the hands of trustees, to let out at five per cent. to the several counties, in proportion.

Suffolk, £28,797.

Essex, £23,242.

Middlesex,

£18,097.

Hampshire,

£4,947.

Plymouth,

£6,674.

Barnstable,

£6,000.

Bristol, £8,909.

York, £1,147.

Nantucket,

£1,025.

Dukes County,

£1,162.

Estates mortgaged to be double the value of the sum taken out thereon.

[SECT. 1.] That the sum of one hundred thousand pounds in bills of credit, of the same tenour with those already emitted, be forthwith made off two plates; that is to say, the sum of eighty thousand pounds off the plate of the highest denomination, and twenty thousand pounds off the plate of the middle denomination; to be proportioned and distributed to the principal counties within this province according to their last province tax; that is to say, to the county of Suffolk, twenty-eight thousand seven hundred and ninety-seven pounds; to the county of Essex, twenty-three thousand two hundred and forty-two pounds; to the county of Middlesex, eighteen thousand and ninety-seven pounds; to the county of Hampshire, four thousand nine hundred and forty-seven pounds; to the county of Plymouth, six thousand six hundred and seventy-four pounds; to the county of Barnstable, six thousand pounds; to the county of Bristol, eight thousand nine hundred and nine pounds; to the county of York, eleven hundred and forty-seven pounds; and that the sum of one thousand and twenty-five pounds, being the proportion for Nantucket, be added to the county of Suffolk; and that the sum of eleven hundred and sixty-two pounds, being the proportion for Dukes county, be added to the county of Barnstable; and put into the hands of five trustees for each county, to be named and appointed by the general court, three of whom to be a quorum, with power to act, who are to let out the said bills to such of the inhabitants of this province as desire it, on a good real security within the same, at five pounds per cent per annum, interest, in sums not exceeding five hundred pounds and not under twenty-five pounds to one person, for the space and term of ten years from the first letting out of any of the said bills, the interest arising thereon being annually paid, and the principal and interest then due to be paid in again to the commissioners; unless any person or persons borrowing any of the aforesaid bills see cause to pay in, besides the interest, the whole or any part of the principal, not under the sum of twelve pounds ten shillings, at any time before the expiration of the time limited, as aforesaid; that then the said commissioners are directed to take in the same, and upon payment of the whole to discharge the mortgage, but if in part, to endorse it on the original mortgage, which shall be a discharge so far. And that all estates mortgaged for bills borrowed of the commissioners shall be at least double the value of the sum taken out thereupon. And that all persons, if required by the commissioners, shall bring a valuation of the estates to be mortgaged from under the hands of the selectmen of the town, or the major part of them, where such estate lyes, who are hereby alike required faithfully and impartially to transact the same, to prevent frauds and deceits.

Provided, nevertheless,

Proviso.

[SECT. 2.] That if any person or persons shall neglect and refuse to pay unto the commissioners the yearly interest due upon the sums borrowed, at the time when the same become due, and continue in the neglect thereof for the space of sixty days after that, then the commissioners shall put in suit all such deeds of mortgage which were security for the bills so borrowed. And the justices of the courts before whom such suits shall be brought are hereby directed and impowred, upon verdict found, confession of the party, or default made, to enter up judgment, and award execution accordingly, pursuant to an act intituled "An Act for the hearing and determining of cases in equity," made and

pass'd by the great and general court or assembly, at their sessions in Boston, the fifteenth day of November, 1698, in the tenth year of the reign of his late majesty, King William.

[SECT. 3.] And that all estates that shall become forfeited, and be in the actual possession of the commissioners, shall not be by them alienated till after the space of three years next after such possession obtained, but by them put under the best improvement, that so the mortgager, or his heirs, may bring their suit for redemption thereof, in manner as is provided by the afore-recited act for hearing and determining of cases in equity; and that after the expiration thereof the commissioners shall make sale of all estates so forfeited, and return the overplus of the money received therefor, all necessary cost and charges being first deducted, to the mortgager, his heirs or assigns.

And be it further enacted,

[SECT. 4.] That when the commissioners shall receive in the whole, or any part, of the principal sums before the time expired, they shall let out the same again as aforesaid; and they shall be accountable yearly, both for the principal and for the profits of all bills by them let out, to the great and general court or assembly; the profits to be applied for and towards the support of the government, as the general court shall from time to time direct; and that at the expiration of the ten years, as aforesaid, the commissioners shall deliver up all the bills then in their possession unto a committee of the general court, that they may be burnt to ashes.

Trustees to be accountable for the principal and profits.

And be it further enacted by the authority aforesaid,

[SECT. 5.] That when the whole of what is due upon any mortgage be paid in to the commissioners, they, or any three of them, shall sign a receipt on the back side of the original mortgage, certifying therein that they have received full satisfaction for the same; which, being entred in the margin of the registry where such mortgage is recorded, shall be a full and final discharge thereof.

Trustees to pass receipts.

[SECT. 6.] And all mortgages, made and to be made, shall be to the commissioners, in trust for the ends and uses aforesaid, who shall for that purpose give their attendance at some convenient place in the shire towns of the respective counties, on Wednesday, once in a fortnight, for six months from their first beginning to let out the said bills; and after that, on Wednesday, once in each month, during the term of ten years aforesaid; and in letting out the said bills, are to have a special regard to the inhabitants of the several towns in their respective counties, with respect to their publick tax.

Mortgages to be made to the trustees.

Time and place of their attendance.

[SECT. 7.] And for three months' space after their receipt of any part of the said bills, they are to make such a reserve as that the inhabitants of each town may have the opportunity of taking their proportion thereof.

[SECT. 8.] And the said commissioners shall be sworn before the governour and council, or some court of record, to the true and faithful discharge of the great trust in them reposed, and be rewarded for their service by and with the allowance of ten shillings on every hundred pounds they shall so let out, and the sum of twenty shillings on every hundred pounds that shall be paid in to them, to be equally divided among them.

Trustees to be sworn.

Their allowance.

[SECT. 9.] And that Adam Winthrop, William Denison, Elisha Cooke, Oliver Noyes and Samuel Thaxter, Esqrs., be the first trustees for the county of Suffolk; and that Charles Chambers, Jonathan Dowse, Jonathan Remington, Edmund Goffe and Jonas Bond, Esqrs., be the first trustees for the county of Middlesex; and that Benjamin Lynde and John Turner, Esqrs., Mr. Daniel Rogers, Col. Henry Somersby and Capt. Walter Price, be the first trustees for the county of Essex; and

Trustees' names for the counties of Suffolk. Middlesex.

Essex.

Plymouth. that Nathanael Thomas, Esq., of Plymouth, Maj. Isaac Lothrop, Mr. John Watson, Capt. Isaac Little and Capt. Joshua Cushing, be the first trustees for the county of Plymouth; and that Col. Nathanael Pain, Capt. Samuel Gallop, Capt. William Southworth, Mr. Nathanael Blagrove and John Rogers, Esq., be the first trustees for the county of Bristol; and that Col. John Pinchon, Mr. Henry Dwight, Mr. Luke Hitchcock, John Ashley, Esq., and Mr. John Partridge, be the first trustees for the county of Hampshire; and that Col. William Basset, Col. John Otis, Capt. Joseph Lothrop, Peter Thacher, Esq., and Mr. Ebenezar Lewis, be the first trustees for the county of Barnstable; and that Abraham Preble, Esq., Capt. Samuel Plaisted, Capt. John Leighton, Mr. Samuel Cane and Capt. Lewis Bane, be the first trustees for the county of York, for the putting of this act in execution accordingly.

And be it further enacted,

General sessions of the peace to supply commissioners, in case, &c.

[SECT. 10] That in case of the refusal, removal by death, or otherwise, of any of the said commissioners, the court of general sessions of the peace in the respective counties are hereby directed and impowred to nominate and appoint a commissioner or commissioners to supply such vacancy, who shall be sworn to the faithful discharge of their trust, as in this act is directed. [*Passed December 4.*]