

Provided, also, that where it happens any person or persons, being principals, that were under bond, obligation or recognizance for appearance at the said court to have been holden at Salem, are, since that, removed and gone beyond sea or out of this province, and shall not be returned before the sitting of the next court to be held at Ipswich, it shall be in the power of the court sitting at Ipswich, upon motion made on that behalf, and they are accordingly to allow a continuance of any such bond, obligation or recognizance to such further time as shall be thought necessary; that no person concerned may be surprized or have advantage unreasonably taken against them.

And be it further enacted by the authority aforesaid,

Power for
adjourning of
courts.

[SECT. 2.] That when and so often as it shall happen the superiour court of judicature, court of assize and general goal delivery, or the inferiour court of pleas in any of the respective counties within this province cannot be held and kept on the day by law prefixed for holding of the same, by reason of death or sickness befalling any of the justices of such court, or any providential, necessary and unavoidable let or hindrance of their attendance, it shall and may be lawful to and for any two of the justices of such court, respectively, by writt under their hands and seals, directed unto the sheriff of the county, therein inserting the occasion thereof, to adjourn the said court unto a further day, as in the said writ shall be expressed, at as little distance of time as possibly may be from the day whereon by law the court should have sat, that so justice be not deferred or delayed; and the sheriff, upon receipt of said writ, shall cause publication to be made of the same at the usual place of the said court's sitting, and some other of the most publick places within the same county, and also to cause a signification of such adjournment, and the time unto which it is made, to be posted up at or near the house or place where the said court uses to sit, and other publick places as aforesaid, to the intent that unnecessary travail, charge and attendance of all persons concerned may be prevented, and the sheriff is to return such writ with his doings thereon into the clerk's office of such court; and all pleas, writs, actions, suits, plaints, process, precepts, recognisances and other thing and things, whatsoever, returnable or having day or days in said court, shall stand, abide and continue unto the said adjournment, and be held, deemed and adjudged to be as good, effectual and available in law, to all intents, constructions and purposes, as if such court had been held and kept on the day by law for holding of the same and no adjournment thereof had been made. [*Passed March 6, 1694-5; published March 16, 1694-5.*]

CHAPTER 22.

AN ACT FOR THE MORE EFFECTUAL SUPPRESSING OF DRUNKENNESS, AND PUTTING IN EXECUTION THE LAWS AGAINST SUCH AS SHALL PRESUME TO SELL STRONG DRINK WITHOUT LICENCE.

1692-3, chaps. 20,
and 22.

WHEREAS, divers persons that obtain licence for the retailing of wine and strong liquors out of doors only, and not to be spent or drank in their houses, do, notwithstanding, take upon them to give entertainment to persons to sit drinking and tipling there, and others who have no licence at all are yet so hardy as to run upon the law, in adventuring to sell without, tending to the great increase of drunkenness and other debaucheries, such houses not falling under the inspection of officers as those that are licensed,—

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

[SECT. 1.] That from and after the publication hereof, every person and persons now licensed or that shall hereafter obtain licence to retail wine and strong liquors to be spent out of doors and not otherwise, who shall be convicted of entertaining or suffering any person or persons to sit drinking or tipling in their houses, cellars, backsides, or within any of the dependencies of such houses, or of selling any other sort of drink than what they have licence for, shall incur and suffer the like penalties and forfeitures as may by law be inflicted upon persons selling without licence, to be recovered and employed in manner as by said law is directed.

Retailers to sell no other sorts of drink than what they are licensed to, nor to suffer persons to drink in their houses, &c.

[SECT. 2.] And all officers, as well grand jurors, constables, tything men, as the officers employed in and about the collecting of the excise, are hereby authorized and required diligently to see that this act be duly observed, and to present and inform of all breaches of the same, either at the court of general sessions of the peace, or to some justice of the peace, who are hereby respectively impowred to hear and determine the said offence according to law, as also alike to present or inform of any that shall presume to sell any sort of strong drink without licence; and it shall and may be lawful to and for any of the aforesaid officers, respectively, *ex officio*, to enter into and inspect the house of any person having once been convicted of selling without licence, as they may by law into licensed houses; and if any of the before mentioned officers shall be convicted of taking or receiving any bribe, fee or reward, directly or indirectly, to connive at, conceal, or not to present or inform against any person or persons being licensed to retail for spending out of doors only, that shall suffer persons to drink or tipple in their houses or any [of] the dependencies thereof, or for any others who shall presume to sell without licence, every officer so offending shall forfeit and pay three times the value of all and every such sum and sums by him received as a bribe, fee or reward, one moiety thereof unto their majesties, for and towards the support of the government, and the other moiety to him or them that shall inform and sue for the same in any of their majesties' courts of record; and if such officer be one that be employed about the excise, over and above the forfeiture aforesaid, he shall, *ipso facto*, be discharged of and from his said office, and be rendered incapable to be employed in any publick service as an officer, by the space of three years next following.

Officers to inspect public houses and to present such as sell without.

Penalty for receiving any bribe, &c.

And be it further enacted by the authority aforesaid,

[SECT. 3.] That if any person licensed as a taverner, innholder or retailer of wine and strong liquors out of doors, shall transgress this act or any other law of the province made for the regulation of such houses, in any of the particulars therein mentioned, and shall be more than twice convicted of such breach of law within the compass of one year, every person so offending, over and above the penalty in the law for such transgression, shall forfeit his or her licence, not to be renewed again by the space of three years next following.

License to be forfeited upon a third conviction.

[SECT. 4.] And if any person or persons duely convicted of the breach of law in any of the particulars herein before mentioned, or for selling without licence, shall be unable or neglect to pay and satisfy the fine imposed by law for such transgression, it shall and may be lawful to and for the court or justice before whom the conviction is, to order such person or persons either to stand committed to the goal of the county by the space of twenty dayes without baile or mainprize, or to be set in the cage or stocks, to remain there not exceeding the space of three hours.

Persons unable or neglecting to pay their fine how to be punished.

And it is further enacted by the authority aforesaid,

Selectmen to cause reputed drunkards, &c., to be posted up. Penalty on the keepers of public houses giving them entertainment. 1692-3, chap. 18, § 2.

[SECT. 5.] That the selectmen in each town shall cause to be posted up in all publick houses within such town a list of the names of all persons reputed drunkards or common tiplers, mispending their time and estate in such houses; and every keeper of such house, after notice given him as aforesaid, that shall be convicted, before one or more justices of the peace, of entertaining or suffering any of the persons named in such list to drink or tiddle in his or her house or any [of] the dependencies thereof, shall forfeit and pay the sum of twenty shillings, one moiety thereof to him or them who shall inform of the same, and the other moiety to and for the use of the poor of the town where such offence shall be committed. [*Passed March 2, 1694-5; published March 16, 1694-5.*]

CHAPTER 23.

AN ACT FOR PREVENTING OF MEN'S SONS OR SERVANTS ABSENTING THEMSELVES FROM THEIR PARENT'S OR MASTER'S SERVICE WITHOUT LEAVE.

WHEREAS complaint has been made by sundry inhabitants of this province, that they have sustained great damage by their sons and servants deserting their service without consent of their parents or masters, being encouraged to enter themselves on board of private men of war, or merchants' ships, and there entertained; for redress whereof,—

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

Penalty on commanders or masters of ships, &c., for entertaining men's sons or servants without leave.

[SECT. 1.] That no commander of any private man of war, or master of any merchant ship or vessel, coming into, tarrying or abiding in, or going forth of any port, harbour or place within this province, shall receive, harbour, entertain, conceal or secure on board such ship or other vessel, or suffer to be there harboured or [enter] [*de*]tained any man's son, being under age, or apprentice, or covenant servant (knowing him to be such, or after notice thereof given), without licence and consent of his parent or master, in writing, under his hand, first had and obtained, on pain of forfeiting the sum of five pounds per week; and so proportionably for a longer or shorter time that any son, apprentice or servant shall be held, harboured, concealed or detained on board any such ship or other vessel as aforesaid, without licence and consent as aforesaid; the one moiety thereof unto their majesties, to be employed towards the support of the government of the province, and the other moiety unto the parent or master of such son, apprentice or servant, that shall inform and sue for the same in any of their majesties' courts of record within this province, by bill, plaint, or information, wherein no essoign, protection or wager of law shall be allowed.

And be it further enacted by the authority aforesaid,

Penalty on servants deserting their master's service.

[SECT. 2.] That every apprentice or covenant servant who shall unlawfully absent himself from his master, and enter himself on board any ship or vessel as aforesaid, with intent to leave his master's service, or continue there more than the space of twenty-four hours, and be thereof convicted before their majesties' justices in general sessions of the peace within the same county, shall forfeit unto his master such further service, from and after the expiration of the term which his said master had in him at the time of his departure, as the said court shall order, not exceeding one year. [*Passed March 14, 1694-5; published March 16, 1694-5.*]