

Advance. dent and contingent charges thereof; according to such draughts as from time to time shall be made upon him by warrant or order of the governour, by and with the advice and consent of the council, or committees by this court to be impowred. And the said bills shall pass out of the treasury at the value therein expressed, equivalent to money, and shall be taken and accepted, in all publick payments, at the advance and after the rate of five pound[s] per cent more.

Fund. *And be it further enacted and declared by the authority aforesaid,*
 [SECT. 4.] That the duties of impost and excise granted by this court shall be a fund and security for the re-payment and drawing in of the said bills to the treasury again, so far as that will reach. And as a further fund and security for the same, and for defreying of the further necessary growing charge of the province, the defence of her majesty's subjects and interests within the same, and support of the government thereof, there be, and hereby is granted unto her most excellent majesty, to the ends and uses aforesaid, a tax of six thousand pounds, to be levied on polls and estates, both real and personal, within this province, according to such rules and in such proportion, upon the several towns and districts within the same, as shall be agreed on and ordered by the great and general court or assembly of this province at their next session, and to be applied to such further use and uses as the said court shall direct; which said tax shall be paid in to the treasurer on or before the last day of November, in the year of our Lord God, one thousand seven hundred and three.

[SECT. 5.] And all former bills of publick credit heretofore in use, when drawn into the treasury, shall issue forth no more. [*Passed and published November 21.*]

CHAPTER 9.

AN ACT TO PREVENT CHARGES ARISING UPON THE COUNTY FOR PRISONERS COMMITTED FOR THEFT.

INASMUCH as it often happens, that persons convicted of theft, and sentenced to make restitution to the party injured as the law directes, are held long time in prison, having not wherewith to satisfy their creditors, or to pay for their keeping, otherwise than by service, thereby occasioning great charge to arise upon the county; for remedy whereof,—

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

Prisoners for theft not to be held more than thirty days after sentence, unless, &c.

[SECT. 1.] That henceforth no person or persons convicted and sentenced for committing of theft shall be held or continued in prison for and on account of restitution or damages awarded to the party injured, for more than the space of thirty days next after such judgment or sentence given, unless the creditor will become engaged, or give caution to the keeper of the prison to pay and satisfy his charge and expence in keeping of such prisoner, both for time past and future, not exceeding three shillings per week.

Keeper's power to discharge the prisoner, in case.

[SECT. 2.] And in case the creditor shall refuse or neglect so to do, and shall not dispose of or take such prisoner in service, or otherwise release him, the keeper shall no longer be chargeable with such prisoner, but may set him at liberty, any law, usage or custom to the contrary in any wise notwithstanding. And in every such case the prisoner shall pay and satisfy his own fees and charges; and if he be unable, then upon application made by the keeper to any two justices

of the same court, *quorum unus*, such two justices are hereby impowred to adjust and determine the sum to be paid, and to order and enjoyn the prisoner to make satisfaction by service for such reasonable time as they shall assign, for which term the keeper may dispose of him in service to any of her majesty's English subjects.

And it is further enacted by the authority aforesaid,

[SECT. 3.] That if any action, bill, suit or information shall be commenced or prosecuted against the keeper of such prison for what he shall do in pursuance of this act, he may plead the general issue, not guilty; and upon issue joyned may give this act and the special matter in evidence. And if the plaintiff or prosecutor shall become nonsuit, or suffer a discontinuance, or if verdict pass against him, the defendant shall recover costs and damages for the molestation. [*Passed October 29; signed by the Governor and published November 21.*]

CHAPTER 10.

AN ACT MORE EFFECTUALLY PROVIDING FOR THE SUPPORT OF MINISTERS.

WHEREAS in some few towns and districts within this province, divers of the inhabitants are Quakers, and others irreligious persons averse and opposite to the publick worship of God, and to a learned orthodox ministry, and find out ways to elude the laws provided for the support of such, and pervert the good intentions thereof, to the encouragement of irreligion and prophaneness; for remedy whereof, and in further addition to the act intituled "An Act for the settlement and support of ministers and schoolmasters," made in the fourth year of the reign of King William and Queen Mary, and the additions thereto heretofore made,—

1692-3, chap. 26.

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 when and so often from time to time as information or complaint shall be made to the court of general sessions of the peace in any county, that the minister of any town or district within such county, qualified as abovesaid, is not suitably encouraged, supported or maintained according to his contract or agreement made with the inhabitants, or according to the allowance and maintenance ordered him by the court of general sessions of the peace, as the law directs, where there is no such contract, or that the same happen to be expired, by reason that the selectmen or other assessors of such town or district do refuse or neglect to assess and raise such maintainance, and cause the same to be levied upon the inhabitants, or that payment thereof is withheld from the minister; in every such case the said court is hereby directed and further impowred, over and above the imposing of the fine by law set upon such delinquent selectmen or assessors, to appoint three or more sufficient freeholders within the same county, to assess and apportion the sum agreed or set for the yearly support and maintenance of such minister, either by contract or court order, upon the inhabitants of such town or district in manner as is directed for the raising other publick charges, and to present the list of such assessment unto two justices of the peace of the same county, *quorum unus*, who are hereby impowred and required to make out and affix a warrant thereto, directed to the constables of such town or district, in form as is by law prescribed for the levying and collecting of town rates or assessments, *mutatis mutandis*, requiring them to collect and levy the

Court of general sessions, power to appoint assessors.
3 Mass. 281.
1 Pick. 99.

Two justices to make out a warrant for collecting.