

## CHAPTER 18.

AN ACT FOR GRANTING THE SUM OF THREE HUNDRED POUNDS FOR THE SUPPORT OF HIS HONOUR THE LIEUTENANT-GOVERNO[U]R AND COMMANDER-IN-CHIEF.

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

Grant to the lieutenant-governor.

That the sum of three hundred pounds be and hereby is granted unto his most excellent majesty, to be paid out of the publick treasury to his honour Spencer Phips, Esq<sup>[d]</sup>, lieutenant-governo[u]r and commander-in-chief in and over his majesty's province of the Massachusetts Bay, for his past services, and further to enable him to manage the publick affairs of the province. [Passed January 30 \*; published January 31, 1752.]

## CHAPTER 19.

AN ACT TO IMPOWER THE PROPRIETORS OF THE MEETING-HOUSE IN THE FIRST PARISH IN SALEM, WHERE THE REVEREND MR. JOHN SPARHAWK NOW OFFICIATES, AND ALSO THE PROPRIETORS OF THE MEETING-HOUSE IN THE THIRD PARISH IN NEWBURY, WHERE THE REVEREND MR. JOHN LOWELL OFFICIATES, TO RAISE MONEY FOR DEFR[A][E]YING MINISTERIAL AND OTHER NECESSARY CHARGES.

Preamble.

WHEREAS it is found inconvenient to raise money for defr[a][e]ying ministerial charges in the first parish in Salem, and third parish in Newbury, by an assessment or tax on polls and estates in said parishes,—

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

Proprietors of the meeting-houses in the First Parish in Salem, and the Third Parish in Newbury, empowered to assess pews, &c., to pay ministerial charges, &c.

[SECT. 1.] That the proprietors of the meeting-house in said first parish in Salem, in which the Reverend Mr. John Sparhawk officiates, and the proprietors of the meeting-house in the third parish in Newbury, in which Mr. John Lowell officiates, be and hereby are allowed and impowered to raise, by an assessment or tax on the pews in the respective meeting-houses afore mentioned, such sum or sums as shall be agreed upon by the proprietors, or the major part of such of them as shall be assembled at any legal meeting called for that purpose, for defr[a][e]ying the ministerial and other incidental charges; the first meeting of such proprietors to be called agreeable to the direction of the act made and pass[e]d in the eighth and ninth years of his present majesty's reign, [i][e]ntitled "An Act directing how meetings of proprietors in wharves, or other real estate, may be called."

1735-6, chap. 5, § 1.

And to the intent that such tax or assessment may be equitably made and duly collected,—

*Be it further enacted,*

Manner of proceeding in raising such tax.

[SECT. 2.] That the proprietors of the respective meeting-houses afore mentioned be and hereby are impowered to cause the pews in each of the aforesaid meeting-houses to be valued according to the convenience of said pews, and the s[c]ituation thereof, and to put a new estimate upon the pews, from time to time, as shall be found necessary,

\* This date is taken from the engrossment, apparently written in by the lieutenant-governor when he signed it. The date given in the record is January 29.

and to determine how much each pew, or part of a pew, shall pay towards defr[a][e]ying the charges aforesaid, and the time and manner in which the same shall be paid; and appoint a collector or collectors to collect the sum or sums so agreed to be raised, who shall be sworn to the faithful discharge of his said trust. And if any proprietor or owner of a pew in either of the aforementioned houses shall neglect or refuse to pay the sum or sums assessed thereon, after having twenty days' notice thereof given him by the collector, the proprietors of the respective meeting-houses shall be, and hereby are, impowered by themselves, or by their committee, to sell or dispose of the pew of such delinquent according to the valuation thereof, as afores[ai]d, and with the money raised by such sale to pay the assessm[en]t or tax on said pew remaining unpaid, together with the charges arising on the sale; the overplus, if any there be, to be returned to the owner thereof.

*Provided, nevertheless,—*

[SECT. 3.] That when the owner of any pew shall make a tender of the same to the proprietors, or to their comm[itt]ee, at the valuation afores[ai]d, and they shall refuse or neglect to accept the same, no sum shall be deducted out of the sale of said pew but such only as shall have become due before the making of said tender. Proviso.

*And whereas* application hath been made to this court to enable the proprietors of the meeting-house in said third parish in Newbury to raise part of the sum that may be necessary for defr[a][e]ying ministerial charges, on the persons and estates of such as occupy pews or seats in said meeting-house, and usually attend the publick worship of God, in said house, over and above what may be raised on the pews,— Preamble.

*Be it therefore enacted,*

[SECT. 4.] That the proprietors of said house be and hereby are impow[er]ed to tax or assess the several persons occupying or possessing pews or seats, or parts of pews and seats, who usually attend the publick worship in said house, according to their several abilities and circumstances, in order to raise money sufficient, together with what may be assessed on the pews, to defr[a][e]y their ministerial and other incidental charges; and the said assessm[en]t or tax shall be made and collected by such rules as parish taxes are made and collected; and thereupon all other persons, and their estates in said parish, not usually attending the publick worship in said house, as well as those who do, shall be freed from all parish taxes during their continuing to raise money as aforesaid. The whole ministerial charge to be raised on the proprietors at Newbury.

[SECT. 5.] This act to continue and be in force for the space of three years from the publication of the same, and no longer. Other persons to be freed. [Passed January 29; published January 31, 1752. Limitation.

NOTES.—There were four sessions of the General Court this year; but at the fourth session, which was held at Harvard College on account of the prevalence of small-pox in Boston, no acts were passed,—the Lieutenant-Governor refusing his assent to the only bill that was passed to be enacted.

The engrossments of all the acts of this year, except chapter 11, are preserved, and all were printed with the other acts of the respective sessions, except chapters 9 and 10, which were separately printed for distribution among the several assessors and officers of impost.

The acts of the first session were duly certified for transmission, September 25, 1751, and were forwarded, with a letter from Secretary Willard, November 1, following. They were delivered by the agent of the Province, to the clerk of the Privy Council, in waiting, March 11, 1752, and immediately referred to a committee. By this committee they were referred to the Lords of Trade, on the nineteenth of March, and were received and read at the Board the same day, and again, April 15, when they were referred to Mr. Lamb, for his opinion thereon in point of law. Mr. Lamb's report bears date January 12, 1755, and is to the effect that he has no objection to offer to any of the acts submitted to him. This report was read at the Board, January 29, 1755, and the draught of a representation was ordered to be prepared, proposing the confirmation of such of these acts "as have not expired by their own limitation, or have not had their full effect." This draught, having been prepared, was ordered to be transcribed, February 4, and was signed February 5, 1755.

The report of the Lords of Trade represents that chapters 2, 5, 6, 7, 8, 9, and 10 "were for temporary services and are either expired, or the purposes for which they were passed have