Duty on the Part of the Corporation or Selectmen. How recovered.

or of the Selectmen of the Town of *Charlestown*, may be recovered by an Action of Debt at the Inferior Court for the County of *Middlesex*; and one Half of all Fines and Penalties incurred by Breaches of this Act shall enure to the Person who shall sue or prosecute for the same, and the other Half thereof to the Use of the Poor of the Towns of *Boston* and *Charlestown* equally. This Act to continue and be in Force for the Space of three Years and no longer.

May 16, 1781.

1780.—Chapter 43.*

Chap. 43 An act for apportioning and assessing a tax of three hundred and seventy-four thousand, seven hundred and ninety-five pounds, eight shillings and two pence.

Tax of £.374,795 8s. 2d.

Whereas it is necessary that the sum of one hundred and sixty thousand pounds for defraying the public charges, and the sum of five thousand four hundred and seventy-two pounds eight shillings and one penny, for the pay of the Members of the House of Representatives for their travel and attendance in the General Court the three last Sittings. Also the sum of one hundred and ninety-two thousand six hundred and forty-six pounds five shillings and six pence, for bounties paid by the several towns in this Commonwealth to three and six month's men in the year 1780 and for reimbursing to the three eastern counties bounties given by them to the men raised for the eastern department. Also the sum of nine thousand seven hundred and forty-four pounds fourteen shillings and seven pence, to pay for horses procured by several towns in this Commonwealth in the year 1780. Also a further sum of six thousand nine hundred and thirty-two pounds, as fines laid on several towns within this Commonwealth, for deficiencies in the six and three month's men, ordered to be raised in the year 1780 should be raised and paid into the public Treasury as soon as may be:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That each town and other place within this Commonwealth, be assessed and pay as such town and other place's proportion of the sum of two hundred and

^{*} Not printed in session pamphlet.

seven thousand eight hundred and sixty-two pounds two Fax of £.374,195 8s. 2d. shillings and two pence, the following sums set against them respectively, viz. in the schedule hereto annexed.

And be it further enacted by the authority aforesaid, That the Treasurer of this Commonwealth do forthwith send his warrants directed to the Selectmen or Assessors of each town or other place within this Commonwealth that are taxed, requiring them respectively to assess the sum hereby set upon such town or other place in manner following. That is to say, To assess all the male polls above the age of sixteen years, within their respective towns or other places next adjoining to them, belonging to no other town or place, including negroes and molattoes; and such of them as are under the government of a master or mistress, to be taxed to said master or mistress respectively, in the same manner as minors and apprentices are taxed, at twenty-five shillings each on the sum contained in the first column in the schedule of the tax, and so to add or abate the sums set on the polls in due proportion as the said first column bears to the balance or sum which is assessed in the last column. And the remainder of the sum set to each town or other place (after deducting the amount of the sums assessed to the polls as aforesaid) on the inhabitants of said town or other place as aforesaid, according to the just value of the whole real estate, by each inhabitant of such town or place respectively possessed, in his own right or in the right of others, lying within said town or place, improved or not improved; and on the non-resident possessors of real estate lying within said town or place, in their own right or right of others, improved or not improved, saving all agreements between landlords and tenants, and where no agreement is, the landlord to reimburse one half of And also on the inhabitants of such town or place, according to the proportion of the amount and just value of their whole personal estate, including money at interest more than they pay interest for (excepting such monies as are lent to government, and by any act of government exempted from taxation) monies of all kinds in hand, and also the amount of the just value of all goods, wares and merchandize, stock in trade, vessels of all sorts, with their stores, appurtenances and appendages, plate, horses, oxen and cattle of all sorts and ages, sheep, swine and grain of all sorts, and all kind of produce of the

Tax of £.374,795 88, 2d. land, and all other property whatsoever, excepting household furniture, wearing apparel, farming utensils, and the tools of mechanicks, on the thirtieth day of May instant; and the current price of the real and personal estate, on the said thirtieth day of May beforementioned, in gold or silver, or in bills of credit equivalent current within this Commonwealth, shall be considered as the just value And on the amount of their income from of the same. any profession, faculty, handicraft, trade or employment; and also on the amount of all incomes and profits gained by trading by sea and on shore. And the Treasurer, in his said warrant, shall likewise require the Assessors to make a fair list of said assessments, setting forth in distinct columns against such person's name, how much he or she is assessed at for polls, and how much for real estate, and how much for personal estate as aforesaid; and if as guardian, or for estate in his or her improvement in trust, to be distinctly expressed; and shall also insert upon their rate bills the number of acres of unimproved land which they have taxed to each of the nonresident proprietors of land within their respective towns; and also the value at which they have estimated the same; and the list or lists so perfected and signed by them or the major part of them, to commit to the Collector or Collectors, Constable or Constables of any such town or place, and to return a certificate of the name or names of such Collector or Collectors, Constable or Constables, with the sum total to each of them committed, unto himself, sometime before the thirtieth day of June next. And on failure thereof, each Assessor so refusing or neglecting his duty herein, shall be subject to pay a fine of ten pounds, to be recovered by execution from the Treasurer of this Commonwealth, for the time being, which fine shall be paid into the Treasury of this Commonwealth for defraying the public charges. And in ease of neglect by the Assessors, in making return as aforementioned, the Treasurer of this Commonwealth is hereby impowered and directed to send his executions accordingly, unless such Assessors shall make it appear that their rate bills were compleated and delivered to the Collectors before the said thirtieth day of June. And the Treasurer for the time being, on the receipt of such certificate, is hereby impowered and directed to issue forth his warrants to the Collector or Collectors, Constable or Constables of such

town or place, requiring him or them respectively to Tax of collect the whole of the respective sums assessed on each particular person, and to pay in their collections by the

first day of August next:

Provided nevertheless, That the following persons, viz. The President, Fellows, Professors, Tutors, Librarian and Students of Harvard-College, who have their usual residence there; and settled Ministers of the Gospel, Grammar School-Masters, are not to be assessed for their polls or their estates, unless their real estate be not under their actual management and improvement, or not in the parishes where they are settled; and also all persons who have the management and improvement of the estate of Harvard-College are not to be assessed for the same; and if there are any other persons who through age, infirmity or poverty are unable to pay, as others, towards the public charges, or any widows or orphans who, depending on the interest of their money for subsistence, have, by the state of the currency, been so reduced as that, in the judgment of the Assessors, they ought to be relieved in their taxes, in any such case, the Assessors may exempt their polls or estates, or abate any part of what they are set at, as they on their oaths shall think just and equitable. And the Justices in their sessions, in their respective counties assembled, in granting a county tax or assessment, are hereby ordered and directed, to apportion the same on the several towns and other places in such county in proportion to their tax. And the Assessors in each town in this Commonwealth, are also directed, in making a town or county tax or assessment, to govern themselves by the same rule. And where no person appears to discharge the taxes on non-resident proprietors of unimproved lands to the Collectors, he shall publish it in one of the Boston news-papers, viz. Willis's Independent Chronicle, three weeks successively, the names of all such proprietors, where they are known, with the sum of the taxes assessed on their lands respectively, and also the time and place of sale; and where they are not known, he shall in the same manner publish the sum of the taxes on the several rights or divisions; and in each case, shall post the same in some convenient and public place in the town where the said lands lay, for the term of one month; and if no person shall appear thereupon to discharge said taxes, then the Constable or

Tax of £.374,795 88, 2d. Collector shall proceed to sell at public sale to the highest bidder (after having waited two hours from the time appointed for said sale) so much only of said unimproved lands as will be sufficient to discharge said taxes and necessary intervening charges, having first given notice of the intended sale thereof, and the time and place where it will be made, and shall have power to adjourn from day to day, if necessary to compleat the sale, not to exceed three days (waiting as aforesaid) and shall give and execute a deed to the purchaser, expressing therein the cause of such sale, and saving to the aforesaid proprietor or proprietors the right of redemption of any lands so sold, at any time within three years from the time of sale, and the same shall be conveyed to him or them on paying, within three years as aforesaid, the sum such land sold for, and twelve per cent. interest on said sum, together with all necessary intervening charges thereon.

> Provided nevertheless, That the purchaser or purchasers shall not make any strip or waste on the premises until the time of redemption has expired; and if the said purchaser or purchasers shall make any strip or waste on said premises as aforesaid, he or they shall be liable to pay all damages to the original owner or owners, in as ample a manner as though he or they had not purchased the same.

> Be it further enacted by the authority aforesaid, That the Assessors of each town or other place respectively, in convenient time before the assessment, shall give seasonable warning to the inhabitants in any town-meeting, or by posting up notifications in some place or places in such town or other place, or notify the inhabitants some other way, to make and bring in to the Assessors true and perfect lists of polls, and of all their real and personal estate they are possessed of on the thirtieth day of May, agreeable to the description of real and personal estate, and incomes from professions, faculty, handicraft, trade or employment as aforesaid. And if any person or persons shall not bring in a list of their estates as aforesaid, to the Assessors, he, she or they so neglecting or refusing, shall not be admitted to make application to the Court of General Sessions for any abatement of the assessment laid on him, her or them. And if the Assessors suspect any falsehood in the list to them presented of polls and real and personal estate, then the Assessors shall require the person presenting such list, to give solemn oath respect

ing the same, which oath may be administered by the Tax of £.374,795 8s. 2d. Assessors; such list being exhibited on oath, shall be a rule of that person's proportion to the tax who presented

the same, which the Assessor's may not exceed.

Be it further enacted, The officers and soldiers of the Massachusetts line of the army, on the thirtieth day of May, shall be considered as resident in the several towns and places to which they belonged at the time of their engaging in the army, their absence notwithstanding, and the Assessors shall tax them accordingly; and said officers (excepting those officers on half pay) and soldiers who are engaged for three years or during the war, are hereby exempted from their poll tax:

Provided nevertheless, That nothing in this act shall be construed to extend so as to require any Assessors to assess any person for any estate, real or personal, in his possession, (absentees estates excepted) that is the prop-

erty of the United States, or either of them.

Be it further enacted, That where it shall appear by the new valuation now preparing, that any town or plantation, or other place, shall be taxed in this bill more than their just proportion, the sum so found by a committee to be appointed by the General Court for that purpose, who shall lodge in the Treasurer's office as soon as may be, who is hereby impowered and directed to receipt to the Collector or Collectors, Constable or Constables of such town, plantation or other place, for the sum or sums which shall appear as aforesaid, which sum or sums the Collectors or Constables shall pay into their respective town treasuries, and the Treasurer is hereby directed to stay his executions for said tax, until the said valuation be compleated, and each town's just proportion found as aforesaid.

Whereas there hath been some towns incorporated, and some divided, and some others where a number of families have been taken from one town and annexed to another, since the valuation was settled, in the year 1778: Therefore,

Be it further enacted by the authority aforesaid, That where any towns have been incorporated, or divided, or families taken from one town and annexed to another, since the valuation of 1778, and are not particularly assessed their proportion in this tax bill, that they shall be considered as belonging to the town or towns from

whence they were taken, and the Assessors of such towns are hereby directed to govern themselves accordingly:

Provided nevertheless, That where any town has been divided and made into two distinct towns, the Selectmen and Assessors of both such towns may agree and make a division of the sum set upon such town, and assess the same accordingly upon their respective towns, and make return into the Treasurer's office of their doings; and in such case, the Treasurer is hereby directed to send his warrants to the Constables or Collectors of both such towns, requiring them to collect the same and to pay into the treasury, in the same manner that he does to other Constables or Collectors.

And whereas there are many persons who dwell or reside in some towns within this Commonwealth; but are engaged in trade and negociate their business almost entirely in other towns, and there hire stores, shops and wharves; and it is apparent that the Assessors of the towns where such persons reside or dwell, cannot be so well acquainted with the business transacted by them, as the Assessors of the towns where the same is done:

Be it enacted by the authority aforesaid, That all persons within the description aforesaid, shall be assessed and pay taxes for such of their goods, wares and merchandizes, stock in trade, ships and vessels which are sold, used or improved in the town where they hire stores, ships or wharves, and transact the principal part of their business, and for their faculties exercised there, and not in the towns where they live, and shall accordingly give in on oath, if required, a list of their whole estate to the Assessors of the respective towns, distinguishing what part thereof is rateable in each town, and in default thereof, shall be doomed by the said Assessors respectively; provided that this clause be not in any case so construed, as to enable any town to tax any inhabitant of any other town, for any estate for which such other town has been charged in the last valuation.

IN THE COUNTY OF SUFFOLK.

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* N. B. – By Mistake the Town of Waipole Is charged for Representatives Pay £.56 2 4 too much, therefore the Balance is no more than £.616 15 9.

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IN THE COUNTY OF WORCESTER - CONCLUDED

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IN THE COUNTY OF LINCOLN - CONCLUDED.

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Fines for three months men added.	£. 8. 8. 6. 00 00 00 00 00 00 00 00 00 00 00 00 00	0 0 0
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Each towns proportion of the sum order'd to be levied.	£. s. d. 492 9 11 74 0 7 268 18 2 235 13 5 543 17 3	£.9984 7 9
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IN THE COUNTY OF BERKSHIRE.

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SUMS TOTAL.

	Each county's proportion of the sum order'd to be levied.	Rep- resentative's pay added.	Bounty for Fines six month's men for six month' deducted.	Fines for six month's men added.	Bounty for three months men deducted.	Fines for three months men added.	Pay for horses de- dueted.	Balance to be assessed.
	£. 8. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. s. d.	£. 8. d.
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York, . Camberland, Lincoln, . N. B. The following are the sums deducted out of the counties of York, Cumberland and Lincoln, agreeable to a resolve of Court of the Fifth of May 1781, for an allowance for raising a number of men to serve in the *Bastern Department. May 18, 1781.

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