

surety or sureties in a reasonable sum for his or her Good behaviour, and particularly that he or she will not be guilty of a Breach of this Act for the space of three Years next ensuing.

SECT. 3. *Be it further Enacted*, that if any person shall play at Billiards, at any Table kept or made use of for the purpose aforesaid, he shall on conviction thereof, forfeit and pay a fine of Six Dollars for each and every such Offence, to be recovered by Action or Complaint before any Justice of the Peace, in and for the County where the Offence shall be committed, to the use of him or them who may prosecute or sue for the same.

Penalty for playing.

SECT. 4. *And be it further Enacted*, that it shall be the duty of all Selectmen, Sheriffs, Deputy Sheriffs, Constables, Tything-men, & Grand Jurors to complain of any breeches of this Act.

Officers directed.

Approved June 27, 1798.

1798. — Chapter 21.

[May Session, ch. 22.]

AN ACT AUTHORIZING JAMES BAYLEY AND OTHERS TO CONDUCT WATER IN SUBTERRANEAN PIPES WITHIN THE TOWN OF AMESBURY.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives in General Court Assembled, & by the Authority of the same*, that James Bayley, David Lowell, Joseph Morse, Joseph Hoyt, Nathan Long, Eli Gale and Willibee Hoyt all of Amesbury in the County of Essex, with such other persons as may become proprietors in the said Water Works, be and they hereby are incorporated a body politic for the purpose of conveying Water by pipes within the Town of Amesbury, by the name of “the Proprietors of Amesbury ferry Aqueduct” and by that name may sue & be sued to final Judgment and execution, and do and suffer all matter acts and things which bodies politic may or ought to do or suffer—*provided* that nothing in this Act shall authorize said Corporation to enter upon or use for that purpose the land of any person without licence therefor first had of the proprietors of such land.

Persons incorporated.

Corporate name.

SECT. 2D. *Be it further enacted*, that any three of the persons above named, may by notification to be posted up at the house of Ezra Worthen Innholder in Amesbury call a meeting of the said Proprietors to be holden at any suitable

First meeting.

time & place within said Town of Amesbury seven days at least after posting up such notification; And the said Proprietors by a Major vote of those present accounting one Vote to each Share, shall chuse a Clerk, agree upon a mode of calling future meetings of said Proprietors, & may also elect any other Officers which to them shall appear necessary for carrying into effect the object of thier incorporation, may enjoin & order fines & penalties for the breach of any of their rules and by-laws not exceeding ten Dollars for any one breach thereof. And all persons appearing at any of said Meetings to represent any of said Proprietors shall have an appointment in writing Signed by the person so to be represented which shall be filed with or recorded by the Clerk of the Corporation, whose duty it shall be fairly & truly to enter & record in a book to be kept for that purpose this Act & all rules & by-laws votes & proceedings of said Corporation — And the Clerk chosen as aforesaid shall be sworn to the faithful discharge of the duties of his Office.

Power.

Proxies.

Highways may be dug up. **SECT. 3D.** *Be it further enacted* that the said Proprietors be & they are hereby authorized to enter upon & dig up any High-way for the purpose of placing such pipes as may be necessary to complete said Aqueduct or for repairing the same, *provided* they do not thereby in the least impede the passing of travellers.

Proviso.

Persons injuring Aqueduct. **SECT. 4TH.** *Be it further enacted* that any person who shall wilfully injure said Aqueduct shall be subject to the same penalties as are provided in the second section of an Act entitled “an Act for the more effectually preventing trespasses in divers cases” passed in the year of our Lord One thousand seven hundred & eighty five, and shall be liable to make good all damages done to said Proprietors.

Shares attachable. **SECT. 5.** *And be it further enacted* that any share or shares in said Property shall be liable to attachment on Mesne Process & such attachment shall be made by leaving an attested Copy of such process with the Proprietor's Clerk at the time of such attachment: & such share or shares may be Sold on Execution, in the same manner as is or may be provided for in the Sale of personal property by Execution, the Officer making Sale leaving a Copy of the Execution with his return on the same with the Clerk of the proprietors within ten days after such Sale.

Transfer. **SECT. 6TH.** *And be it further Enacted* that the mode of Selling or transferring Shares in said Corporate prop-

erty shall be by deed & acknowledged before a Justice of the peace & recorded by the Clerk of said Proprietors in a book kept for that purpose. *Approved June 27, 1798.*

1798. — Chapter 22.

[May Session, ch. 23.]

AN ACT IN ADDITION TO THE ACT ESTABLISHING THE THIRD MASSACHUSETTS TURNPIKE CORPORATION.

SECT. 1ST. *Be it enacted by the Senate and house of Representatives in General Court Assembled & by the Authority of the same* that the said Corporation may make a turnpike road from the West line of Pittsfield to the West line of Hancock near Lebanon Springs so called; & when the said road shall be sufficiently made, & shall be so allowed, & approved by the Justices of the Court of General Sessions of the Peace for the County of Berkshire, or a committee by the said Court to be appointed, then the said Corporation shall be authorized to erect one Turnpike Gate on the same, at such place as the said Court shall from time to time direct & shall be allowed to receive from each traveller & passenger at said Gate, the same rates of toll as they now are or hereafter may be allowed by law to take & receive at either of the other gates already established. *Provided* that the General Court shall have authority at any time within ten years from the passing of this Act to regulate the toll to be taken at the Gate to be set up in Hancock, should it be found on experiment to be set too high. *Provided also* that said Corporation may at any time demand & receive a less rate of toll than is provided in the Act to which this is in addition.

New Turnpike road from Pittsfield to Hancock.

Toll allowed.

Proviso.

SECT. 2D. *And be it further enacted* that the said Corporation shall not in future demand & receive for any oxen, horses & neet Cattle, led or driven over the said road, besides those in teams & Carriages more than One Cent each, & for every chaise, chair, or other carriage, drawn by one horse, the said Corporation may demand & receive twelve Cents & five Mills, any thing in the said Act to the contrary notwithstanding.

Toll for cattle, carriages, &c.

SECT. 3D. *And be it further enacted*, that the said Corporation may, if they see fit, commute the rate of toll with any Person, or with the Inhabitants of any town, through which the said road passes, by taking of him or

Conditional commutation of toll.