

restrictions, rules & penalties thereby established, excepting as to the recognizances required for the payment of duties on Exeise, shall be construed to be in full force; and every Seller of wine, beer, ale, cyder, brandy, rum or any strong liquors, by retail, not licensed by the Justices of the Peace of the same County where such person lives, according to the regulations of the same Act, shall be liable to the penalties, & upon due conviction, may suffer as therein is provided and declared; any thing in the said Act of repeal, to which this is in addition, to the contrary hereof notwithstanding.

Proviso.

Provided and be it further Enacted, that this act shall not be used or construed in support of any prosecution for any penalty established by the said Act for the due regulation of licensed houses, & supposed to be incurred since the said Act of Repeal, and before the next license term of the Court of General Sessions of the Peace which shall be hereafter holden in the County where the Offence shall be alledged.

Approved June 17, 1796.

1796. — Chapter 22.

[May Session, ch. 20.]

AN ACT TO INCORPORATE DANIEL WELLS & OTHERS PROPRIETORS OF THE AQUEDUCT IN GREENFIELD.

1. *Be it Enacted by the Senate & House of Representatives in General Court assembled and by the Authority of the same*, That Daniel Wells, Eliel Gilbert, Jonathan Leavitt, Abner Smead, & William Colman, all of Greenfield in the County of Hampshire, & such other persons as are or may be associated with them, be, and they & their Successors hereby are constituted a Corporation by the name of “the Proprietors of the Aqueduct in Greenfield” for the purpose of conveying water by subterraneous pipes into the Town Street in Greenfield.

Persons incorporated.

Mode of calling meetings.

2. *And be it further Enacted*, that any three of the persons above named, may by notifications to be posted at the respective Houses of Calvin Mun, & Elisha Wells, Inholders in said Greenfield, call a meeting of the said proprietors to be holden at said Calvin Mun’s, on any suitable time, seven days at least after the posting of such notifications. And the said proprietors by a major vote of those present, or represented as is herein after provided, at said meeting, accounting one vote to each share, shall

choose a Clerk, agree upon the mode of calling future meetings, of the said Proprietors; & may also elect any other Officers which to them may seem necessary for carrying into effect the object of their Incorporation. And the said proprietors at the same or any subsequent meeting of the Corporation, may enjoin & order fines & penalties for the breach of any bye laws, not exceeding Thirteen dollars for any one breach. And all persons appearing at any of said meetings, to represent any of the said Proprietors, shall have therefor an appointment in writing signed by the Person to be so represented, which shall be recorded by the Clerk of the Corporation, whose duty it shall be fairly & truly to enter and record in a book or books to be kept for that purpose, this act and all the rules & bye laws, votes & proceedings of the said Corporation; which book & books shall at all times be subject to the inspection of any person or persons for that purpose appointed by the Legislature. And the Clerks of said Corporation shall be sworn by a Justice of the peace of the said County of Hampshire to the faithful discharge of the duties of their office.

Duty of the Clerk.

3. *Be it further Enacted*, That the said Proprietors be and they hereby are authorized to enter upon & dig up any high way or town way for the purpose of placing such pipes as may be necessary to complete said Aqueduct, or of repairing the same: *provided* that they do not thereby impede the passing of Travellers; & the said Proprietors may also enter & dig up if necessary, for the purpose aforesaid the Ground of any Individual, paying him a reasonable compensation for any damage he may sustain thereby; & if the parties cannot agree to estimate the same or to have the same ascertained by disinterested persons by the parties mutually chosen, for that purpose, then such damage as a Committee of three disinterested freeholders to be appointed by the Court of Common pleas for said County of Hampshire for such purpose as a major part of them may award; & upon any such award, returned to said Court, the Justices thereof may enter up Judgement for such damages & Costs & issue Execution for the same against the said Proprietors as in common cases.

Proviso.

Provided nevertheless that any person dis[s]atisfied with such award, may on application to the said Court have his damages ascertained by a Jury, the additional costs

Damages to be ascertained by Jury.

of which shall be paid by said Proprietors if such Jury shall find a Verdict for a larger sum than was awarded by such Committee.

Shares to be liable to attachment.

4. *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 the sale of personal property by execution, the Officer making the sale leaving a Copy of the execution & of his return on the same with the clerk of the proprietors, within ten days after such sale.

Penalty for injuring Aqueduct.

5. *Be it further enacted* that any person wilfully injuring said aqueduct shall be subject to the same penalties as are provided in the second section of the Act intitled, "An Act for the more effectually preventing of trespasses in divers cases," passed the twenty third day of November, in the year of our Lord One thousand seven hundred & Eighty five, & shall also be liable to make good all damages so done, to the said proprietors.

Approved June 17, 1796.

1796. — Chapter 23.

[May Session, ch. 21.]

AN ACT SPECIALLY PROVIDING FOR THE REMOVAL OF POOR PERSONS FROM THE DISTRICT OF MARSHPEE, WHO HAVE NO LEGAL SETTLEMENT THERE.

Preamble.

Whereas the Inhabitants of Marshpee are mostly Indians, Negroes, and Mulattoes people incapable of Transacting the business of a corporation, or of taking due care of themselves or estates; where-by many vagrant strolling and poor people intrude and shelter themselves there, to the injury of the rightful inhabitants, and the general law for removing the poor is inapplicable to their circumstances.

Removal of poor Persons.

Be it therefore enacted by the Senate and house of Representatives in General Court Assembled and by the Authority of the same, that whenever it shall appear to the board of overseers of the district of Marshpee, that any person is resident in Marshpee who hath no legal settlement there, the said Overseers may (if they shall judge it expedient) order any guardian of the inhabitants of Marshpee, forthwith to cause any person resident as aforesaid to be