

down the sluice of such dam, or by wilfully erecting, setting up or making any dam or other incumbrance across any stream or run of water (having no right or privile[d]ge so to do) belonging to any other person or persons, and where he or they have a lawful right between his or their pond and mill; or shall cut[t], [pull] down, burn, damnify, carry away or destroy any mill or frame of a mill, floor, or any of the timber, boards or implements used in and about the same; or shall pull down, cut[t], destroy, or any ways damnify any edifice, building or house not inhabited, frame or timber of any such building, cellar or well, being the property or in the possession of any other person or persons; on pain that every person or persons offending against this act, or any part thereof, or that shall be aiding or assisting therein, shall for every such offence or trespass forfeit and pay to the party or part[ie][y]s so injured or trespassed upon, treble the value of all such damages as such party or part[ie][y]s shall make appear to the justice, or court and jury, before whom the tryal shall be, that he or they have sustained by any breach of this act; to be sued for and recovered in any court proper to try the same, after the same manner of conviction, and by the same rules and methods as is directed and provided in and by an act entitled, "An Act in addition to and for rendring more effectual an act made in the tenth year of the reign of King William the Third, entitled, 'An Act for preventing of trespasses,'" made in the twelfth year of the reign of his late majesty King George; any law, usage or custom to the contrary notwithstanding. [*Passed January 19; published February 1, 1727-28.*]

Penalty.

Manner of conviction.
4 Mass. 146.
1726-27, chap. 3.

CHAPTER 4.

AN ACT IN ADDITION TO AN ACT INTITLED "AN ACT FOR ENLARGING THE FEES OF GRAND JURORS."

WHEREAS the stated allowance for a grand juror, according to an act made and passed in the sixth year of his late majesty King George the First, intitled, "An Act for enlarging the fees of grand jurors," is but three shillings per diem, which is so small that the same will not defray his necessary charges and expences in travelling to, and attendance at, court,—

Preamble.
1719-20, chap.
13.

Be it therefore enacted by the Lieutenant-Governour, Council and Representatives in General Court assembled, and by the authority of the same,

That from henceforward the allowance of a grand juror during his attendance on the court, and also for his necessary travel to and from the same, be one shilling per diem, over and above the aforesaid allowance, accounting five miles for half a day's travel, and ten miles for a whole day, and so *pro rata*, but no allowance to be made to any person for less than half a day's travel. [*Passed January 12, 1727-28.*]

Allowance for grand jurors.