

C H A P.
LXVI.

authorized and empowered to choose and fix on some proper and convenient spot of ground, within the limits of the said town, for the erection of a market-house, and shall contract for and purchase the same, or any part thereof, which may be deemed sufficient for the purpose aforesaid; and in case the owner or proprietor of the said ground shall refuse to sell or dispose of such ground, so pitched upon and chosen by the commissioners as aforesaid, then the said commissioners shall have full power and authority to condemn so much of the said ground as will be sufficient for the purpose aforesaid, and shall issue a warrant to the sheriff of Dorchester county to summon a jury of twelve judicious disinterested persons, of the county, having no assessable property within the said town; and the said jury shall meet at the town of Cambridge, upon such day as the said sheriff shall appoint, (of which appointment notice shall be given to the proprietor of the ground thus condemned,) and having first taken an oath or affirmation, (as the case may be,) to be administered by the said sheriff, without partiality or prejudice to value the said ground, and the damages sustained by the owner or owners by means of such condemnation, according to the best of their skill and judgment, shall proceed to make such valuation; and the said jury, in estimating such value and damages, shall take into consideration, not only the actual value of the ground so condemned, but also any injury that may be done by means thereof to any other property of the said owner; and the said sheriff shall return the valuation aforesaid in writing, under his hand and seal, and the hands and seals of the jury, to the said commissioners, to be recorded among the land records of Dorchester county; the said sheriff and jury to be allowed the same fees for their services and attendance as in cases of attendance upon the county court; and the sum agreed to be paid by the commissioners to the owner or owners of said spot of ground, so purchased by them, or the sum to which such spot of ground, so condemned and appraised as aforesaid, and the expences of such valuation, shall amount, shall be levied upon the assessable property in said town, and when collected by the said commissioners, shall be paid by them to the owner or owners of such condemned ground, or his, her or their legal representatives; and such condemnation, valuation, recording and payment, or tender of payment, for the said ground, shall vest an absolute estate in fee-simple in the said commissioners, for the use of the said town, and for the purposes aforesaid, for ever; provided however, that such condemned ground shall not be taken out of the possession of the proprietor until such payment shall be paid or tendered; and the said commissioners shall be and they are hereby authorized to contract with some proper person or persons, upon the most reasonable terms, to build and erect upon the aforesaid spot of ground a good and sufficient market-house, and the sum to which the said building shall amount, shall be assessed and levied in the manner as aforesaid.

Market days
set apart, &c.

XII. And be it enacted, That from and after one month after the said market-house shall be finished and received by the commissioners aforesaid, the Tuesday and Saturday of every week shall thereafter be set apart, appointed and held as market-days within the limits of the said town, subject however to be changed by the said commissioners; and that all provisions whatsoever brought to the said town for sale, after the erection and receipt of the market-house as aforesaid, shall be taken or carried to the public market-house of the said town, and there be sold or offered for sale, at the market-hours, which are hereby established to be from any time in the morning of the said days until twelve o'clock at noon; provided always, that fish or oysters, or beef by the quarter or larger quantity, or pork by the hog or hogs, or any kind of grain, flour and bread, or butter in firkins, or other vessels exceeding twenty pounds net weight, or cheese, or beef and pork in barrels or larger casks, or live cattle, sheep and hogs, respectively brought to the said town or market upon the days aforesaid, or on any other days except Sunday, may be sold, bartered, or otherwise disposed of, in the same manner as if this act had not been passed.

Penalty on
persons buy-
ing out of
market, &c.

XIII. And be it enacted, That if any free inhabitant of the said town shall presume to buy, or cause to be bought, any article of provisions, of any person or persons bringing, or having brought, to the said town, or within two miles thereof,