

Clerk.

SECTION 8TH. *And be it further enacted* that James Mann be & he is hereby appointed Clerk of the said Society, & he & his Successors in said office, shall keep a fair record in a book for that purpose of all the votes, proceedings & transactions of said Society, & he & his Successors in said office shall be sworn to the faithful discharge of their duty.

Rights of property not to be affected.

SECTION 9TH. *And be it further enacted* that nothing in this act shall be construed to affect the rights of property of any individual or Society, or any arrears or just debts which have become due previous to this incorporation.

Special meetings.

SECTION 10TH. *And be it further enacted*, that any Justice of the Peace in the County of Norfolk on application made to him in writing by three or more subscribers to said Fund be & hereby is authorized to issue his warrant directed to some suitable person being a member of the Congregational Society in Wrentham, & a subscriber to their Fund, requiring him to warn a meeting of the Members of said Society, at such time & place, & to transact such matters as shall be expressed in said warrant.

Approved February 21, 1799.

1798. — Chapter 59.

[January Session, ch. 26.]

AN ACT ENABLING PROPRIETORS OF AQUEDUCTS TO MANAGE THE SAME.

Calling meetings.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That when any number of Persons shall, by writing, associate and become proprietors of any Aqueduct or of any funds raised for making and constructing the same, for the purpose of conveying fresh water by subterraneous or other pipes into any town, or place, within this Commonwealth, it shall be lawful for the proprietors of a major part of the shares, to apply, in writing, to some Justice of the Peace for the County in which the said Aqueduct may be, or is proposed to be placed, stating, in such written application, the name & stile of their association, the objects of their proposed meeting, and requesting such Justice to issue his warrant to some one of the Proprietors, so applying, directing him to call such meeting; — And such Justice is hereby

authorized to issue his warrant accordingly, therein stating the time, & place, & objects of the said meeting. And such proprietor shall notify & warn such meeting by posting up the said warrant, or a true copy thereof, with his notice, seven days, at least, before the said meeting, in some public place in the Town & towns in which the said Aqueduct may be, or is proposed to be placed.

SECT. 2D. *Be it further enacted*, That the proprietors of any such Aqueduct, or fund, duly met & assembled in pursuance of any such warrant, and their successors, shall be a corporation & body politic, by the name and stile aforesaid; and at such meeting of said proprietors, or of any number of them, they shall have power to agree upon the method of calling future meetings of the corporation.

Proprietors
of aqueducts
constituted
corporations.

SECT. 3D. *Be it further enacted*, That at any legal meeting of said proprietors, or of any number of them, they shall have power to choose a clerk, whose duty it shall be fairly & truly to enter & record, in a Book, or Books to be provided & kept for that purpose, this Act, & all rules, bye laws, votes and proceedings of such corporation; which Book & Books shall, at all times, be subject to the inspection of any person appointed for that purpose by the Legislature. And the said Clerk shall be sworn to the faithful discharge of the duties of his Office;

Clerk.

Records.

& at any such meeting, the said proprietors, or any number of them duly met, as aforesaid, shall have power to elect a moderator & any such number of directors to manage the prudential business of said Corporation, as to them may appear expedient; & such Directors, or a major part of them, are hereby authorized, from time to time, to assess such taxes on the proprietors of the shares in such Aqueduct, or in the funds which may be raised for making & constructing such Aqueduct, as they shall find necessary; & on the neglect or refusal of any proprietor to pay such tax, to sell at public Vendue, so many of his or her shares as will be sufficient to pay such taxes, with necessary intervening charges; first advertising the Sale of such Share or Shares in some newspaper printed in the County, or by posting up notifications thereof in some public places in the Town [&] [or] Towns wherein such Aqueduct may be, or is proposed to be placed, twenty days, at least, previous to such sale; & the overplus monies (if any there may be) arising from such Sale, shall be paid to the owner or owners of the share or Shares so

Moderator and
directors.

Assessments.

sold. And the said proprietors, or any number of them, duly met, as aforesaid, may, at any of their meetings, elect any other Officer or Officers, or act upon any other thing necessary for car[r]ying into effect the objects of their institution; *provided* that the subject matter thereof be expressed in the warrant or notification for such meeting.

Voting.

SECT. 4TH. *Be it further enacted*, That in all meetings of such proprietors, each proprietor shall be entitled to one vote for each and every share he or she may hold in such Aqueduct or fund; and they are also hereby respectively empowered to depute & appoint any other person to appear and vote for him or them in such meetings; the appointment to be in writing, signed by the Person or persons to be represented, & filed with, or recorded by the Clerk of such Corporation.

Fines.

SECT. 5TH. *Be it further enacted*, That the said proprietors, or any number of them, duly met as aforesaid, may at any of their meetings, enjoin & order fines & penalties for the breach of any bye law of such Corporation, not exceeding Thirty dollars for any one breach.

Real Estate may be held, not exceeding \$30,000 — to be deemed personal estate and to be transferable.

SECT. 6TH. *Be it further enacted*, That any such corporation shall have power to purchase, take & hold any real estate necessary for the purpose of their institution; *provided* that the real estate which any one Aqueduct corporation may hold shall not exceed thirty thousand Dollars in value. And all such real estate shall, during the continuance of such corporation, be deemed and considered to all intents & purposes as personal estate, and as such, with the other interest & estate in such propriety, shall be transferrable by such mode of transfer as such Corporations, at any of their meetings, shall agree on & determine: *Provided however*, That the transfer shall be in writing & recorded by the Clerk of the Corporation in the Book or Books aforesaid within three Months next after such transfer shall be made.

Proviso.

Highways may be dug up.

SECT. 7TH. *Be it further enacted*, That such proprietors or corporation, when they shall find it necessary, shall have power to enter upon dig up & open any such parts of the Streets, Highways or Town ways in any place within this Commonwealth, for the purpose of placing such pipes as may be necessary for making and constructing such Aqueduct, or for repairing or extending the same, as the Selectmen of the Town, or the Major part of them, for the time being, shall in writing authorize & allow.

Provided such Selectmen shall not have power to authorize & allow any such Streets, Highway or Town way to be entered upon, dug up, or opened, so as to obstruct or hinder the Citizens of the Commonwealth or others from conveniently passing therein with their teams & Carriages.

Proviso.

SECT. 8TH. *Be it further enacted*, That to the end that the proprietors of the Shares in any such corporate property may be known, it shall be the duty of the Clerk of any such Corporation, at or immediately after the first meeting, to enter in the Book or Books aforesaid the names of the several proprietors, & the shares & parts of shares each proprietor shall own; and when any share or part of a share shall afterwards be sold for taxes, or otherwise transferred, such Sale or transfer shall be entered by said Clerk in such book or books, in such form & for such fees as the directors shall appoint; & no person shall be deemed a proprietor whose Share or Interest shall not be so entered.

Members' names and shares to be recorded.

SECT. 9TH. *Be it further enacted*, That, notwithstanding the dissolution of any such corporation, all contracts made by or with such corporation shall remain in full force, & the last proprietors or share holders shall have a corporate capacity, untill all contracts & agreements made by or with them prior to such dissolution, shall be performed; and are & shall be capable & liable, in & by the same name & capacity, as before such dissolution, to sue & be sued, & by their Agent or agents, to prosecute & defend in all actions, suits & demands, respecting such contracts & agreements, untill final Judgment & Execution. And if no corporate property can be found to satisfy any Judgment which may be recovered against them as aforesaid, & such Judgment shall not be satisfied within six months after the same shall have been recovered, it shall be lawful for the Judgment Creditor to satisfy his Judgment & Execution out of the Private estate of such proprietors or of any of them, in the same way & manner as if the Judgment had been against him or them in his or their private capacity, *Provided*, That each & every such action shall be commenced within six years next after such dissolution, or within the like time next after such right of Action shall accrue. And in case any such corporation shall, at it's dissolution, be seized or possessed of any estate, the several proprietors at such dissolution shall become tenants in common thereof, in such proportions as

Individuals liable to all contracts in case of the dissolution of the corporation.

Proviso.

Proprietors to share the corporate property, in case of dissolution, as tenants in common.

they shall respectively then hold their shares & parts of Shares therein, and upon such tenure as the corporation would have held the same had not provision been herein made for making all their property personal Estate. And all shares in such Aqueducts shall be liable to be attached on *mesne* process, & taken in execution for the debts of the Owner thereof; *Provided*, That when any share or part of a share or shares shall be so attached, an Attested Copy of the process shall be left with the Clerk of the Corporation, fourteen days before the day of the Sitting of the Court to which the same shall be returnable. And when any such share, or part of a Share or Shares, shall be taken & sold on execution, the Officer shall leave with such Clerk an Attested Copy of the execution, & of his return thereon, within ten days next after such sale.

Proviso.

Penalty for
injuring
aqueducts.

SECT. 10TH. *Be it further enacted*, That if any person shall maliciously or wantonly injure any such Aqueduct, he or She shall forfeit & pay a sum not exceeding Twenty Dollars, to be recovered by indictment in the Supreme Judicial Court, or Court of General Sessions of the Peace, one moiety thereof to the Prosecutor, & the other moiety thereof to the use of the Town in which such offence shall have been committed; and shall also be liable to pay treble damages to the Corporation so injured, to be recovered by Action in the Case, with Costs of suit.

Water may be
drawn off in
case of fire.

SECT. 11TH. *Be it further enacted*, That any town in which any such Aqueduct shall be placed, shall have the privilege of placing conductors into & from the pipes & conductors laid by any such corporation, for the purpose of drawing such water therefrom, as may be necessary, when any building shall be on fire in such Town, & of drawing water therefrom on such occasions without paying such corporation any price therefore; *Provided* that every such Town shall be holden to secure such Conductors so by them placed, in such manner that water cannot be drawn therefrom unless by the orders of the Selectmen or Firewards of the town wherein the same may be placed.

Proviso.

When an aque-
duct enters
more than one
county, a
justice in either
may issue
warrant.

SECT. 12TH. *Be it further enacted*, That when any such Aqueduct shall be, or proposed to be placed so as to extend into several Counties, application may be made to & a warrant issued by a Justice of the Peace of either of such Counties, in the manner, for the purpose, & with the effect provided & enacted in the first Section of this Act.

Approved February 21, 1799.