

Inspectors of
Lime to be ap-
pointed.

same, that there shall be chosen in each Town in this Commonwealth where lime is imported by water at their annual meetings an Inspector of Lime whose duty it shall be to inspect all Stone Lime imported or brought into their respective towns or districts in Casks for Sale, & who shall have power when they judge it expedient to open any cask containing Lime to view the same; & it shall be their duty to see that the Law intitled, “An Act ascertaining the quality of Stone Lime, & the size of Lime casks, & for repealing all Laws heretofore made relative thereto,” passed in the year of our Lord one thousand seven hundred & ninety four, be in all respects observed; & to prosecute all offences against the same, & they shall be under oath for the faithful performance of their duty — And such Inspector shall have right to demand & receive of every importer of Stone Lime as aforesaid for every cask of lime inspected as aforesaid the sum of three pence & no more.

— their duties.

Lime to be
inspected and
branded at the
kiln.

Be it further enacted, that each Town within this Commonwealth in which Lime is manufactured at their annual meeting shall also chuse Inspectors, whose duty it shall be to inspect all the Lime manufactured within said town at the time it is filled at the Kiln, & brand each Cask in which the same is put with his name, the name of the said Town & the word; — *Inspected* — And he shall receive five cents from the proprietor of the Kiln for each cask so branded: — And all Inspectors appointed in pursuance of this act shall be under Oath for the faithful performance of the Trust reposed in them.

Approved February 27, 1795.

1794. — Chapter 55.

[January Session, ch. 31.]

AN ACT FOR INCORPORATING LUTHER EAMES & OTHERS INTO A SOCIETY, FOR THE PURPOSE OF BRINGING FRESH WATER INTO THE TOWN OF BOSTON BY SUBTERRANEOUS PIPES.

Preamble.

Whereas Luther Eames, Nathan Bond & William Page, have petitioned the General Court, setting forth that they have the priviledge of certain fresh waters in Roxbury, which they can bring into the town of Boston, for the use of the inhabitants thereof, and praying that they and their Associates may be vested with corporate powers, for the management, and direction of that business;

Be it therefore Enacted by the Senate and House of Representatives in General Court assembled & by the authority of the same, that the said Luther Eames, Nathan Bond and William Page, and all such persons as are or shall be associated and interested with them in the purpose of bringing fresh water into Boston as aforesaid, and their successors, be & hereby are incorporated into, & made a body politic for the purpose of bringing fresh Water into Boston by subterraneous pipes, and as such shall have full power & lawful authority to bring from any part of the town of Roxbury into the town of Boston, and into any street in the same town, all such fresh water, as they the said Luther Eames, Nathan Bond and William Page, & their associates, or any, or either of them, in their private and natural capacities, now have, or hereafter shall have a right to dispose of, or to convey from the springs, or sources thereof; and the said Corporation shall have full power and lawful authority to open the ground in any part of the streets and highways in the towns of Roxbury and Boston, for the purpose of sinking and repairing such pipes and conductors, as may be necessary to sink for the purpose aforesaid — *provided* that the same highways and streets shall not be opened by the said Corporation, in such manner as to obstruct or hinder the citizens of the Commonwealth from passing therein, with their teams and carriages, with convenience; and that the said Corporation after the opening the ground in any of the said streets or ways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance; *and provided also,* that nothing in this act shall be construed to give the said Corporation a right to enter upon the corporate or private estate of any person whatever, unless it be done by free and voluntary contract of the proprietor of such estate; or to give the said Corporation authority to draw water out off Jamaica pond, or from any other place which the members thereof or some of them shall not have a right to draw off in their natural capacities independently of this Act or to affect, alter or impair any right, claim or interest which the town of Roxbury or any inhabitants thereof have, or may have in, or to the waters of said Jamaica pond; and that this act, or any thing therein contained shall not be construed to prevent any person, who shall be injured in his estate immunity or privilege, by any act or proceeding of said Corpora-

Persons incor-
porated.

Purpose and
authority.

Proviso.

Persons injured
in their interest
may find red-
ress of the
Corporation.

tion, or any of its members or servants from his action against the members of the said Corporation, in their corporate or individual capacities, in the same manner, and to all intents and purposes as though this act had never been passed.

Corporation may receive & hold real estate.

Be it further Enacted by the authority aforesaid that the said Corporation, shall have power to receive & hold such real estate, as may be necessary for the purposes of its institution, *provided* the same never exceed the sum of thirty three thousand dollars.

— Empowered.

Be it further Enacted that the Corporation shall have power to choose a President, Secretary & Treasurer annually; & to fill up all vacancies, which may happen in those offices, when they or any of them shall become vacant; and also to choose annually five directors, to manage the prudential business of the Corporation, and shall have power from time to time, to assess such taxes, as the said Corporation shall deem to be necessary on the shares of the same Water works; and on neglect or refusal to pay such taxes, to sell such shares at vendue, for the payment thereof, after advertising the same in two of the Boston Newspapers for the space of twenty days previous to the sale, paying the overplus, if any there be after the payment of such taxes, and the charges of sale, to the owner of the share or shares so sold.

Water works to be divided into shares.

And be it Enacted that the same Water works shall be divided into one hundred shares, each of which shall give a right to one vote, in the business of the Corporation, *provided* that no one person shall have more than ten votes, & no vote shall be considered as legal, unless the same shall be passed at a meeting duly warned, in manner prescribed in this act, and that the President, or vice president and five proprietors shall be present.

And be it further Enacted, that the said Corporation shall have a common seal, & shall have power to sue, & be liable to be sued like other Corporations.

Privilege of the inhabitants.

And be it further Enacted that the towns of Boston and Roxbury severally shall have the priviledge of placing conductors into the pipes or conductors laid by the said Corporation, for the purpose of drawing such water therefrom, as may be necessary when any Mansion house, Barn, or other building shall be on fire in either of the said towns, and to draw water therefrom on such occasion, without paying the said Corporation any price therefor;

provided that such town shall be held to secure such conductor so placed, by the same, in such manner that water cannot be drawn therefrom, unless by the orders of the Selectmen, or Fire-wards of the town where the same may be placed.

And be it Enacted that all contracts made by the said Corporation for supplying any of the inhabitants of either of the said towns, or any other person, with water, from the said Water works, shall be mutually binding on both parties, and that actions may be supported thereon; and that if any person shall maliciously, or wantonly injure the said Water works, he or she may be punished by fine on conviction thereof in the Supreme Judicial Court on Indictment, at the discretion of the same Court, one half thereof to the prosecutor and the other to the use of the town where the offence is committed, and shall be liable to pay treble damages to the Corporation, to be recovered by action of the case. *Provided* that nothing in this act shall be con[s]trued to restrain the General Court from hereafter regulating the price of the said Water to the said inhabitants, if the said Court shall judge fit.

Contracts made to be binding.

Penalties.

Proviso.

And be it further Enacted that James Sullivan Esqr. upon the application of the said Eames, Bond & Page shall be impowered to call the first meeting of the said Corporation by a notification in one of the Boston News papers fourteen days previous to such meeting, and that the Corporation, at such meeting, shall agree on the mode of calling future meetings.

J. Sullivan, Esq. impowered.

Approved February 27, 1795.

1794. — Chapter 56.

[January Session, ch. 32.]

AN ACT TO INCORPORATE SUNDRY PERSONS BY THE NAME OF THE PRESIDENT AND DIRECTORS OF THE NANTUCKET BANK.

Whereas George Folger junr. Thomas Coffin junr. & others have in their petition to this Court proposed to raise a fund for the Establishment of a Bank at Nantucket, and it appears that such an Institution under suitable regulations may be advantageous to the trade and Commerce of that Island:

Preamble.

Be it Enacted by the Senate & House of Representatives in General Court assembled and by the Authority of the same, That George Hussey, Alexander Gardner, Joseph Chase, William Coffin, Abner Coffin, Jethro Starbuck

Persons incorporated to a limited time.