

1796. — Chapter 12.

[May Session, ch. 11.]

AN ACT AUTHORIZING CALVIN WHITING TO CONDUCT WATER IN SUBTERRANEAN PIPES WITHIN THE TOWN OF DEDHAM FOR THE ACCOMODATION OF CERTAIN INHABITANTS WITHIN SAID TOWN.

Be it enacted by the Senate and House of Representatives in General Court Assembled, and by the Authority of the same that Calvin Whiting of Dedham, in the County of Norfolk, and his heirs and Assigns be, and they are hereby authorized and impowered to sink place, renew, alter and repair from time to time as he or they shall think necessary pipes, or conduits of water, under any highways or public land in said town for domestic use or other benefit of any Inhabitants thereof; and as well on or under any other land or place where the proprietors, and possessor thereof shall have granted said Whiting his heirs or assigns the privilege of so conducting water, as on or under said highways and public land, such pipes, conduits, water and works necessary thereto, shall be considered under the protection of Law. And if any person or persons shall destroy displace, injure, or remove said water works, or any part thereof, or stop divert, draw, disturb or soil the water running to, through, or issuing from any part of said waterworks, without licence from said Whiting, his heirs, or assigns, or be found guilty of any trespass thereon, he or they shall be liable, upon conviction thereof to pay to the said Whiting his heirs or assigns, treble damages, to be recovered in an action of trespass in any Court of record proper to try the same.

Calvin Whiting authorized to sink subterranean pipes.

Penalty for injury to water works.

Provided nevertheless, that the selectmen of said town, where they judge expedient and likely to afford the best security against calamitous destruction by fire, may place conductors to any part of said pipes, or conduits, under any further reasonable restrictions to afford water on such occasions only, as well as the protection aforesaid which is hereby declared to be extended against drawing water by any such conductor, when the same drawing cannot afterwards be justified by a certificate under the hand of one of the Selectmen or a fireward of said town, of the probability there was in his opinion of thereby preventing or lessening such calamitous destruction by fire.

Proviso.

And it is further provided, that nothing in this Act shall avail the party pleading the same against evidence of unnecessary exposure to damage delay, disturbance or inconvenience to passengers their cattle or carriages, over any of said highways, or public land, but the same shall be considered a nuisance, or other transgression, *ab initio*, as much as if this Act had never been made.

Approved June 15, 1796.

1796. — Chapter 13.*

[November Session, ch. 1.]

AN ACT IN FURTHER ADDITION TO AN ACT ENTITLED, “AN ACT CONCERNING GENERAL & COMMON FIELDS.”

Owners to have a right to inclose their parts of a common field.

Be it enacted by the Senate & House of Representatives in General Court Assembled & by the authority of the same, That any person now owning or who may hereafter own any Lands lying within the limits of any general & common field within this Commonwealth shall have the right to enclose his own Land at his own expence, & at all seasons of the year to have the exclusive & separate right of using & improving his own Lands so enclosed with a good & sufficient Fence — *provided* that such Proprietor shall be held to maintain his proportion of the general fence around said Field. *Approved June 15, 1796.*

Proviso.

1796. — Chapter 14.

[May Session, ch. 12.]

AN ACT IN ADDITION TO, AND IN EXPLANATION OF AN ACT PASSED JANUARY THE TWENTY-SIXTH, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-NINE, ENTITLED “AN ACT TO SET OFF TO THE PATENTEES AND OTHER PURCHASERS, CERTAIN LANDS IN THE ISLAND OF CHAPEQUIDICK IN THE COUNTY OF DUKES COUNTY, AND FINALLY TO ADJUST AND DETERMINE ALL DISPUTES BETWEEN THE SAID PATENTEES AND OTHER PURCHASERS, AND THE INDIANS ON THE SAID ISLAND, AND TO PREVENT CATTLE, HORSES, SHEEP, GOATS AND SWINE FROM GOING AT LARGE ON THE SAID ISLAND AT CERTAIN SEASONS OF THE YEAR.”

Preamble.

Whereas, amongst other things in said Act, it is Enacted that the Indians shall never be held to make any Fence in the Divisional Line between them, and the Patentees or Purchasers on said Island; but that the

* Printed in November session pamphlet with this note: “The following Act was accidentally omitted in publishing the Acts of the last Sessions of the General Court.”