

neglect so to do, shall forfeit & pay one Dollar — one moiety thereof in each case to the Town or District wherein such Ferry may be, and the other moiety to him or them who shall inform and sue for the same.

Towns each side a river alternately to provide Ferry-men.

SECT. 5. *Be it further Enacted*, that if any such Ferry so judged necessary shall be over any river or water, when one Town or District joins thereto on one side, & another Town or District on the other side; in such case the said Towns and Districts shall, either jointly or alternately, provide such person or persons to keep such Ferry as the said Court shall order.

Penalty for neglect to provide Ferry-men.

SECT. 6. *Be it further Enacted* that any Town or District neglecting to provide suitable persons to keep ferries as aforesaid, shall forfeit & pay Forty Dollars for each month's neglect; one moiety thereof to the use of the Commonwealth, and the other moiety to him or them who shall inform and sue for the same. And all the forfeitures aforesaid which may be incurred, shall be recoverable in an action of Debt, with costs of suit, before a Justice of the Peace or Court of Common Pleas of the County wherein the Ferry may be, according to the amount of the Forfeitures to be recovered.

Former laws repealed.

SECT. 7. *Be it further Enacted* that this Act shall take effect, and be in force on and after the first day of July next; and that three Acts relating to the subject matter of this Act; one passed A.D. Sixteen hundred & ninety four for regulating Ferries; another in addition thereto, A.D. Seventeen hundred & twenty-six, and a third A.D. Seventeen hundred & sixty relating to Ferries & continued in force to the first day of November next, shall on & after the said first day of July next be repealed, and cease to operate — excepting, however, they shall remain in force for the purpose of recovering any forfeitures that may accrue by virtue of them.

*Approved February 14, 1797.*

### 1796. — Chapter 43.

[January Session, ch. 10.]

AN ACT TO INCORPORATE JOSHUA THOMAS ESQR. AND OTHERS FOR THE PURPOSE OF CONVEYING FRESH WATER BY PIPES IN THE TOWN OF PLIMOUTH.

*Be it enacted by the Senate and House of Representatives in General Court assembled, & by the authority of the same*, that Joshua Thomas, William Davis, James

Persons incorporated.

Thacher, William Goodwin & Nathaniel Russell all of Plimouth in the County of Plimouth, & such other persons as are or may be Associated with them, he and they and their successors hereby are constituted a corporation, for the purpose of conveying Water by subterraneous pipes in the town of Plimouth, by the name of the proprietors of the Plimouth Aqueduct; and by that name may sue and be sued and do and suffer all matters Acts & things, which bodies politic may or ought to do & suffer.

*And be it further enacted* that any three of the persons above named may by notification to be posted at the Dwelling House of Thomas Withrell in said Plimouth, call a meeting of the said Proprietors, to be holden in said Plimouth, on any suitable time seven days at least after posting such notification, and the said proprietors by a Major Vote of those present, or represented, (as is herein after provided) at said meeting, accounting one vote to each share, shall choose a Clerk, agree upon the mode of calling future meetings of the said proprietors, at the same or any subsequent meeting, and may also elect any other officers which to them may seem necessary, for carrying into effect the object of their incorporation, and may make & establish any rules and regulations that shall be convenient and necessary for regulating the concerns of the said corporation & the same rules and regulations may cause to be kept and executed; and for the breach of any of them, may order and enjoin fines & penalties, not exceeding thirteen dollars, for any one breach; *provided* that said rules and regulations be not repugnant to the constitution, or Laws of the Commonwealth; & all persons appearing at any of said meetings to represent any of the said proprietors, shall have therefor an appointment, in writing, signed by the Person to be so represented, which shall be filed with or recorded by the Clerk, of the corporation; whose duty it shall be fairly and truly to enter and record, in a book or books, to be for that purpose provided and kept, this Act and all the rules bye laws, votes & proceedings of the said corporation; which Book & Books shall at all times be subject to the Inspection of any person or persons for that purpose appointed by the Legislature; and the Clerk of said Corporation, shall be sworn, by a Justice of the Peace of the said County of Plimouth, to the faithfull discharge of the duties of his Office.

First Meeting.

Choice of Officers.

Proxies.

Clerk.

Corporation authorized to convey water.

*Be it further enacted*, that the said proprietors be & they hereby are authorized to convey Water by subterraneous pipes as aforesaid, from any part of the Town Brook, so called in the said Town of Plymouth into & through any way and street in said Town, and may enter upon and dig up any high way or Town way for the purpose of sinking & repairing such pipes, as may be necessary for the purpose aforesaid, *provided* that they do not thereby impede the passing of travellers, And *provided also* that nothing in this Act shall Authorize the said proprietors to enter on and make use of private property without consent of the owner.

To dig up high ways, &c.

Proviso.

To make Assessments.

*Be it further enacted*, that the said Corporation shall have power from time to time to make assessments on the shares in said Aqueduct of such sums of money, as the Corporation shall deem to be necessary; and on neglect or refusal to pay such assessments to cause delinquent shares to be sold at public Auction, for the payment, after advertizing in two public places in said Town of Plymouth, ten days previous to the sale; paying the over plus, if any there be, after the payments of such assessments, and charges of sale, to the owner or owners of the share or shares so sold.

To sell delinquent shares.

Contracts to be mutually binding.

*Be it further enacted*, that all contracts made by the said Corporation for supplying any of the inhabitants of said Town, or any other person with water from the said Aqueduct, shall be mutually binding on both parties and that actions may be supported thereon.

Transferring shares.

*Be it further enacted*, that the mode of transferring shares in said corporate property, shall be by Deed Acknowledged before a Justice of the Peace, and recorded by the Clerk of said Proprietors, in a book to be kept for that purpose; And when any share or shares of said property shall be attached on *mesne* process, an attested Copy of such process shall at the time of the Attachment, be left with the proprietors Clerk; otherwise such attachment shall be void, and such shares may be sold on execution in the same manner, as is or may be by law provided, for the sale of personal property by execution; the Officer making the Sale leaving a Copy of the Execution And of his return on the same with the Clerk of the proprietors within ten days after such sale.

In case of attachment.

Penalty for injuring Aqueduct.

*Be it further enacted*, that any person injuring the said Aqueduct, shall be subject to the same penalties as are

provided in the second section of the Act intitled “ An Act for the more effectually preventing of trespasses in certain Cas[s]es,” passed the Twenty third day of November in the year of Lord One thousand seven hundred and eighty five, and shall also be liable to make good all damages so done to the said Proprietors.

*Approved February 15, 1797.*

### 1796. — Chapter 44.

[January Session, ch. 11.]

AN ACT CONFIRMING THE TITLE OF THE REVEREND SAMUEL TODD AND THOSE HOLDING UNDER HIM, TO CERTAIN LOTS OF LAND IN THE TOWN OF ADAMS.

*Whereas by the grant of the Township of Adams to the original Proprietors, there was reserved one sixty third part of said Township to become the absolute property of the first settled Minister in said Town; and by the Memorial of the Inhabitants of said Town it is represented, that after the aforesaid Grant was made, the late Reverend Samuel Todd was settled and ordained in the work of the Ministry in said Town, and went into possession of Lot No. sixteen in the west range, containing One hundred acres, and Lot No. forty eight in the second Division of lots, containing Two hundred acres, which were laid out for the Ministerial Lots; and that he afterwards sold and conveyed the aforesaid Lots, — since which time, doubts have arisen whether the said Samuel Todd was so legally settled that the property of the aforesaid Lots of Land was according to the meaning and intent of said Grant vested in him:*

Preamble.

*Be it Therefore Enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Title of the late Reverend Samuel Todd to the aforesaid Lots of land in Adams, and of the several persons claiming or holding the same under him, be and the same hereby is confirmed, any want of regularity in the proceedings of the Settlement of the said Todd, notwithstanding.*

Title confirmed.

*Approved February 15, 1797.*