

1796. — Chapter 11.

[May Session, ch. 10.]

AN ACT TO INCORPORATE THEODORE SEDGEWICK ESQR. & OTHERS FOR CERTAIN PURPOSES THEREIN MENTIONED.

Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same, That Theodore Sedgewick, Jahleel Woodbridge, Stephen Nash, Jonathan Ingersoll, James Francis, Joseph Barton, Henry Williams Dwight, Silas Whitney, Ira Seymour, Phineas Ashmun, Josiah Dwight and Silas Pipoon all of Stockbridge in the County of Berkshire, and such other persons as are or may be associated with them, be, and they and their successors hereby are constituted a Corporation, by the name of “The Proprietors of the Aqueduct in Stockbridge” for the purpose of conveying water by pipes into such parts of the said Town of Stockbridge as they may judge expedient; *provided* however that nothing in this Act contained, shall authorize said Corporation to enter upon or use for that purpose, the land of any person, without licence therefor first had of the proprietor of such land.

Persons
incorporated.

Be it further Enacted, that any three of the Persons above named may by notifications to be posted at the respective Dwelling Houses of Ira Seymour and Samuel Sprague in said Stockbridge, call a meeting of the said Proprietors to be holden in said Stockbridge on any suitable time, seven days at least after posting such Notifications. And the said Proprietors, by a major Vote of those present or represented, as is hereinafter 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, and may also elect any other Officers which to them may seem necessary for carrying into effect the object of their incorporation. And the said Proprietors at the same or any subsequent meeting of the Corporation, may enjoin & order fines and penalties for the breach of any of their Rules and bye laws not exceeding Thirteen Dollars for any one breach. And 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,

Three members
may call a
meeting.

which shall be filed with or recorded by the Clerk of the Corporation; whose duty it shall be fairly & 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 and 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 Clerks of said Corporation shall be sworn by a Justice of the Peace of the said County of Berkshire to the faithful discharge of the duties of their office.

Authorized to dig up high-ways, &c.

Be it further Enacted that the said Proprietors be and they hereby are authorized to enter on and dig up any highway or town-road for the purpose of placing such pipes as may be necessary to complete said Aqueduct, or of repairing the same when requisite; *provided* they in no case obstruct the passing of such persons as may have occasion to use such road or high-way.

Mode of 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 in 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 & of his return on the same, with the Clerk of the Proprietors within ten days after such sale.

Penalty for injuring Aqueduct.

Be it further Enacted, that any person injuring said Aqueduct, shall be subject to the same penalties as are provided in the second section of the Act entitled, "An Act for the more effectually preventing of Trespasses in divers cases," passed the twenty third day of November in the year of our 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 June 15, 1796.