

applying, to proceed to open such common shore or main drain & clean & repair the same; and all interested therein shall pay their proportions as is provided in this Act.

Provided also, that nothing in this Act shall be understood or construed to effect or make void any covenants or agreements already made, or that may hereafter, be made among the Proprietors of such drains or common Shores. Further proviso.

SECT. 4TH. *Be it further enacted* that this Act shall take effect & be in force on and after the first day of July next — And that an Act passed A.D. 1709 for regulating drains and common shores, and another Act passed A.D. 1763 in addition thereto, and continued in force to the first day of November next, be repealed on and after the first day of July except as to the enforcing payment of such forfeitures, as may before that time, accrue by virtue thereof. Former Acts repealed.

Approved February 20, 1797.

1796.—Chapter 48.

[January Session, ch. 15.]

AN ACT TO INCORPORATE SAMUEL FISK MERRICK AND OTHERS FOR CERTAIN PURPOSES THEREIN MENTIONED.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same*, that Samuel Fisk Merrick, Gideon Burt, Jonathan Merrick, Solomon Warriner, Jason Chapin, Joel Lyman, James Hammon, Moses Warriner Junr., Moses Burt, William Brewer, Nathan Ainsworth, John Adams, Augustus Sisson, all of Wilbraham in the County of Hampshire, and such other persons as are or may be associated with them, be, and they & their Successors hereby are constituted a Corporation, by the name of the Proprietors of the Aqueduct in Wilbraham, for the purpose of conveying water by pipes into such parts of the said Town of Wilbraham, 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 Proprietors of such Land. Persons incorporated.

SECT. 2D. *And be it further Enacted*, that any three of the persons above named, may by notification to be posted at the dwelling House of Jonathan Merrick in said Object of incorporation.
Proviso.
First Meeting.

Wilbraham, call a meeting of the said Proprietors, to be holden in said Wilbraham, 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; and may also elect any other Officers which to them may seem necessary for carrying into effect the object of their Incorporation; may enjoin & order fines & penalties for the breach of any of their rules & 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, 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 & 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 Clerks of said Corporation shall be sworn by a Justice of the peace of the said County of Hampshire, to the faithful discharge of the duties of their office.

May dig up
high ways, &c.

SECT. 3D. *Be it further Enacted* that the said Proprietors be and they hereby are authorized to enter on and dig up any high way 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 highway.

Proviso.

Transferring
Shares.

SECT. 4TH. *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 Proprietor's 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

Case of
attachment.

officer making the sale, leaving a Copy of the Execution, & of his return on the same with the Clerk of the Proprietors within thirty days after such Sale.

SECT. 5TH. *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 & eighty five; and shall also be liable to make good all damages so done to the said Proprietors.

Penalties for
injuring
Aqueduct.

Approved February 20, 1797.

1796. — Chapter 49.

[January Session, ch. 16.]

AN ACT TO DIVIDE THE TOWN OF HALLOWELL IN THE COUNTY OF LINCOLN INTO TWO TOWNS, AND TO INCORPORATE THE NORTHERLY PART THEREOF INTO A TOWN BY THE NAME OF HARRINGTON.

SECT. 1ST. *Be it enacted by the Senate and House of Representatives in General Court Assembled, and by the authority of the same*, that the town of Hallowell in the County of Lincoln be, and the same hereby is divided into two separate and distinct towns; and the Northerly part thereof bounded as follows vizt. beginning at the Northwest corner of the said Town of Hallowell thence running Easterly on the North boundary line thereof to the North East corner of the same town, thence running Southerly on the East boundary line thereof, to the line dividing the middle and south parishes in said Hallowell, thence running Westerly on the line dividing said parishes untill it strikes the publick road which leads from said south parish to Winthrop, thence running North North East to the Northerly line of lot No. two in the second range of lots west of Kennebeck river, thence running West North West to the North West Corner of [of] lot No. three in the third range, thence running Northwesterly a strait course to the South East Corner of lot No. one hundred & two, thence running West North West to the South West Corner of lot No. one hundred and one, thence running Northerly on the Westerly side of the last mentioned lot to the North West Corner of the same, thence running West North West to the Westerly boundary line of said Hallowell, thence running Northerly on the Westerly line

Hallowell
divided.