

## 1796. — Chapter 76.

[January Session, ch. 42.]

AN ACT TO INCORPORATE WILLIAM GRAY JUNR. AND OTHERS FOR THE PURPOSE OF BRINGING FRESH WATER INTO THE TOWNS OF SALEM AND DANVERS BY SUBTERRANEOUS PIPES.

SECT. 1. *Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same,* That the said William Gray junr. & Joshua Ward both of Salem, and Edward Southwick of Danvers and all 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 Salem & Danvers Aqueduct,” for the purpose of conveying fresh water by subterraneous pipes into the towns of Salem & Danvers.

Persons incor-  
porated.

SECT. 2. *Be it further Enacted by the authority aforesaid,* that the said Corporation shall have power to purchase, take or hold any real estate necessary for the purpose of their institution, not exceeding the sum of Thirty Thousand Dollars in value.

May hold real  
estate.

SECT. 3. *Be it further Enacted,* that any two of the Proprietors aforesaid may, and they are hereby empowered to call a meeting of said Proprietors by a notification published in the Salem Gazette at least seven days previous to such meeting; at which meeting said Proprietors shall choose a Clerk, whose duty it shall be fairly & truly to enter & record in a Book or Books for that purpose to be provided and kept, this Act & all the Rules, bye laws, votes and proceedings of said Corporation; which book or books shall at all times be subject to the inspection of any person for that purpose appointed by the Legislature; and the said Clerk shall be sworn to the faithful discharge of the duties of his office; and at the same meeting said proprietors shall elect such number of Directors to manage the prudential business of said Corporation as to them shall seem expedient; and such Directors, as well as those which at any meetings thereafter may be chosen, shall have power from time to time to assess such taxes on the Proprietors of the shares in said Aqueduct as they shall deem to be necessary; and on the neglect or refusal of any Proprietor to pay such Tax, to sell so many of his or her shares at vendue as will

First Meeting.

Officers to be  
chosen.Assessments  
may be laid.Shares may be  
sold, when  
assessments are  
not paid.

pay his or her taxes, after advertizing the sale of such share or shares in the Salem Gazette, for the space of ten days at least previous thereto; the overplus (if any there be) after the payment of such taxes, & the charges of sale, to be paid to the owner of the Share or Shares so sold. And the said Proprietors may at said meeting, elect any other officers which to them may seem necessary for carrying into effect the object of their institution, and may agree upon a mode of calling future meetings of said Proprietors.

SECT. 4. *And be it further Enacted*, that the said Proprietors, may enjoin and order fines & penalties for the breach of any bye laws thereof, not exceeding thirteen Dollars for any one breach.

Fines may be established.

SECT. 5. *Be it further Enacted*, that each Proprietor shall be entitled to one vote at any Meeting of the Proprietors for each and every share he shall hold or be entitled to in said Aqueduct; *Provided* that no Proprietor shall be entitled to more than ten votes. And all persons appearing at any meeting to represent any of the said Proprietors, shall have therefor an appointment in writing signed by the person to be represented which shall be filed with, or recorded by the Clerk of the Corporation.

Each share to have a vote.

Proxies.

SECT. 6TH. *And be it further Enacted by the authority aforesaid*, that the said proprietors be and they hereby are authorized to enter upon dig up & open any part of the Streets, highways, or town-ways in Salem or Danvers, or any town adjoining or near to them, or either of them, for the purpose of placing such pipes as may be necessary for the building & completing of said Aqueduct, or of repairing the same when requisite; *provided* that the said Streets, highways or town-ways shall not be dug up or opened by the said Proprietors in such manner as to obstruct or hinder the citizens of the Commonwealth from passing therein with their Teams and Carriages with convenience.

Highways may be dug up.

Proviso.

SECT. 7. *And be it further Enacted*, that if any person shall maliciously or wantonly injure said Aqueduct, he or she upon indictment & conviction thereof, in the Supreme Judicial Court, may be punished by fine not exceeding three hundred Dollars, at the discretion of the same Court one half thereof to go to the Prosecutor, and the other half thereof to the use of the Town where the offence is committed; and shall be liable to pay treble

Penalty for injuring Aqueduct.

damages to said Proprietors to be recovered by action of the case.

Water to be used in case of fire without charge.

SECT. 8. *And be it further Enacted* that the Towns of Salem & Danvers severally, shall have the privilege 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 occasions 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.

Proviso.

*Approved March 9, 1797.*

### 1796. — Chapter 77.

[January Session, ch. 43.]

AN ACT TO INCORPORATE SEVERAL TRACTS, OR GRANTS OF LAND, SITUATE IN THE COUNTY OF CUMBERLAND INTO A TOWN BY THE NAME OF NORWAY.

SECT. 1ST. *Be it Enacted by the Senate and House of Representatives in General Court assembled and by the Authority of the same;* That one tract or grant of land known by the name of Rustfeldt, another by Lee's grant, a third by Cumming's grant, together with the three tier of lots which formed a part of the plantation of Waterford, lying next to, and adjoining the easterly side of said plantation, the out lines of the said town of Norway, being as follows; viz., beginning at a certain birch tree, standing on the westerly side line of Paris, and on lot number thirteen, well marked; thence running northerly, one thousand one hundred and sixty rods, by said Paris line, to a spruce tree marked; then south, seventy six degrees west, one thousand and four rods, to a cedar tree, standing on the easterly side line of Cumming's grant; thence north twenty five degrees west, fifty five rods, to the northeasterly corner of said Cumming's grant; then south, sixty five degrees west, four hundred and eighty rods, to the easterly side line of said Plantation; then north, twenty five degrees west, on said easterly line of said plan-

Land described.

Boundaries.