

Record of the Adams North Village aqueduct association

The following act is required by law to be
entered on the Records of the Association

An Act enabling proprietors of aqueducts
to manage the same

Sect. 1st.

Be it enacted by the senate and
house of representatives in General Court assembled
and by the authority of the same That when any
number of persons shall by writing associate
and become proprietors of any aqueduct or of any
funds raised for making and constructing
the same for the purpose of conveying fresh
water by subterraneous or other pipes into
any town or place within this commonwealth
It shall be lawful for the proprietors of a
major part of the shares to apply in

AM-51 Records of the Adams North Village Aqueduct Assn.

Berkshire County Historical Society

780 Holmes Road

Pittsfield MA 01201

writing to some justice of the peace for the county
in which the said aqueduct may be or is proposed
to be placed stating in such written application
the name and style of their association; the
objects of their proposed meeting and requesting
such justice to issue his warrant to someone
of the proprietors so applying; directing him
to call such meeting; And such justice is
hereby Authorized to issue his warrant
accordingly therein stating the time and place
and objects of the said meeting, And such
proprietor shall notify and warn such
meeting by posting up the said warrant or a
true copy thereof with his notice seven
days at least before the said meeting in some
public place in the town or towns in which
the said aqueduct may be or is proposed to
be placed

Sect. 2

Be it further enacted
That the proprietors of any such aqueduct or
fund duly met and assembled in pursuance
of any such warrant and their successors
shall be a corporation and body politic by the
name and style afd and at such meeting
of said proprietors or of any number of them
they shall have power to agree upon the
method of calling future meetings of the corporation

Sect. 3

Be it further enacted
That at any legal meeting of said proprietors
or of any number of them they shall have
power to choose a clerk whose duty it shall
be fairly and truly to enter and record in a book
or books to be provided and kept for that purpose
this act and all rules by laws votes and
proceedings of such corporation, which book
and books shall at all times be subject to the

inspection of any person appointed for that purpose by the Legislature,

And the S Clerk shall be sworn to the faithful discharge of the duties of his office and at any such meeting the S proprietors or any number of them duly met as aforesaid shall have power to elect a moderator and any such number of directors to manage the prudential business of S corporation as to them may appear expedient; and such directors or a major part of them are hereby authorized from time to time to assess such taxes on the proprietors of the shares in such aqueduct or in the funds which may be raised for making and constructing such aqueduct as they shall find necessary; and on the neglect or refusal of any proprietor to pay such tax. to sell at public auction so many of his or her shares as will be sufficient to pay such taxes with necessary intervening charges; first advertising the sale of such

share or shares in some newspaper printed in the county or by pasting up. notifications thereof in some public places in the town and towns wherein such aqueduct may be or is proposed to be placed twenty days at least previous to such sale and the overplus monies (if any there may be) arising from such sale shall be paid to the owner or owners of the share or shares so sold. And S proprietors or any number of them duly met as aforesaid may at any of their meetings elect any other Officer or Officers or act upon any other thing necessary for carrying into effect the objects of their institution provided that the subject matter thereof be expressed in the warrant or notification for such meeting.

Sec. 4th

3 Be it further enacted
That in all meetings of such proprietors each proprietor shall be entitled to one

vote for each and Every share he or she
may hold in such aqueduct or fund; and they
are also hereby respectively empowered to
depute and appoint any other persons to
appear and vote for him or them in such meetings
the appointment to be in writing signed by the
person or persons to be represented and filed
with or recorded by the clerk of such corporation.

Sect. 5th

3 Be it further enacted

That the 3 proprietors or any number of
them duly met as aforesaid may at any of their
meetings enjoin and order fines and penalties
for the breach of any by laws of such corporation
not exceeding thirty dollars for any one breach

Sect. 6th

3 Be it further enacted

That any such corporation shall have
power to purchase take and hold any real estate
necessary for the purpose of their institution

provided that the real estate which any one
aqueduct corporation may hold shall not
exceed thirty thousand dollars in value.

And all such real estate shall during the
continuance of such corporation be deemed
and considered to all intents and purposes
as personal estate and as such with the other
interest and estate in such property shall be
transferable by such mode of transfer as such
corporations at any of their meetings shall
agree on and determine provided however
that the transfer shall be in writing
and recorded by the clerk of the corporation
in the book or books aforesaid within three months
next after such transfer shall be made

Sect. 7th

3 Be it further enacted

That such proprietors or corporation when
they shall find it necessary shall have power
to enter upon dig up and open any such party

of the streets highways or town ways in any place within this commonwealth for the purpose of placing such pipes as may be necessary for making and constructing such aqueduct or for repairing or extending the same as the selectmen of the town or a major part of them for the time being shall in writing authorize and allow. provided such selectmen shall not have power to authorize and allow any such streets highways or town way to be entered upon dug up or opened so as to obstruct or hinder the citizens of the commonwealth or others from conveniently passing therein with their teams and carriages

Sect. 8th

Be it further enacted That to the end that the proprietors of the shares in any such corporate property may be known it shall be the duty of the clerk of any such corporation at or immediately

after the first meeting to enter in the book or books after the names of the several proprietors and the shares and parts of shares each proprietor shall own and when any share or part of a share shall afterwards be sold for taxes or otherwise transferred such sale or transfer shall be entered by said clerk in such book or books in such form and for such fees as the directors shall appoint and no person shall be deemed a proprietor whose share or interest shall not be so entered

Sect 9th

Be it further enacted That notwithstanding the dissolution of any such corporation all contracts made by or with such corporation shall remain in full force and the last proprietors or share holders shall have a corporate capacity until all contracts and agreements made by or with them prior to such dissolution shall be performed and are and shall

be capable and liable in and by the same name and capacity as before such dissolution to sue and be sued and by their agents or agents to prosecute and defend in all actions, suits and demands respecting such contracts and agreements untill final judgment and execution

And if no corporate property can be found to satisfy any judgment which may be recovered against them as a/c and such judgment shall not be satisfied within six months after the same shall have been recovered it shall be lawful for the judgment creditor to satisfy his judgment and execution out of the private estate of such propriety or of any of them in the same way and manner as if the judgment had been against him or them in ~~the same way~~ his or their private capacity provided that each and every such action shall be commenced within six years next after such dissolution or within the like time next after such right of action shall accrue

And in case any such corporation shall at its dissolution be seized or possessed of any estate the several propriety at such dissolution shall become tenants in common thereof in such proportions as they shall respectively then hold their shares and parts of shares therein and upon such terms as the corporation would have held the same had not provision been ~~made~~ herein made for making all the property personal estate and all shares in such aqueducts shall be liable to be attached or mesne process and taken in execution for the debts of the owner thereof provided that when any share or part of a share or shares shall be so attached an attested copy of the process shall be left with the clerk of the corporation fourteen days before the day of the sitting of the court to which the same shall be returnable And when any such share or part of a share or shares shall be

shall be taken and sold on execution the
Officer shall leave with such clerk an
attested copy of the execution and of his
return thereon within ten days next
after such sale

Sect. 10th

3 Be it further Enacted

That if any person shall maliciously
or wantonly injure any such aqueduct
he or she shall forfeit and pay a sum
not exceeding twenty dollars to be recovered
by indictment in the supreme judicial
court or court of general sessions of the
peace one moiety thereof to the prosecutor
and the other moiety to the use of the town
in which such offence shall have been
committed; and shall also be liable to pay
treble damages to the corporation so
injured to be recovered by action in the
case with costs of suit

Sect. 11th

Be it further enacted
That any town in which such aqueduct
shall be placed shall have the privilege of
placing conduits into and from the pipes
and conduits laid by any such corporation
for the purpose of drawing such water there
from as may be necessary when any building
shall be on fire in such town and of drawing
water therefrom on such occasions without
paying such corporation any price therefor
provided That every such town shall be
holden to secure such conduits so by them
placed in such manner that water cannot
be drawn therefrom unless by the ordering of
the selectmen or fire warden of the town wherein
the same may be placed

Sect. 12th

Be it further Enacted
That when any such aqueduct shall
be or proposed to be placed so as to extend
into several counties, application may be
made to; and a warrant issued by a
justice of the peace of either of such counties
in the manner for the purpose and with
the effect provided and enacted in the
first section of this act.

(Feb^y 21. 1799)

Laws of Massachusetts Vol. 1. Chap. 59. Page 571

Received Lem^y 5th 1832. five dollars, sixty three
cents in full for 7½ days work boring legs of
the Aqueduct Committee
Philip Brooks

Geo. Darling p^d 200.

Brayton p^d 163

Berkshire By virtue of this order I
I have notified the proprietors within meeting
by posting up notifications some days before
the time of meeting at A Smiths coffee house
Oct 8th 1831 in Adams
Nathan Putnam

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Berkshire

To Nathan Putnam one of the
proprietors of the Adams North village
acquainted association Gentle

Whereas application has been made to
me the subscriber one of the justices of
the peace for said county by eight of the
proprietors of said association requesting
me to issue a warrant to some one of
the proprietors to convene a meeting
of said association, to organize them into
a corporation to choose such officers as they
see fit to make such regulations as they shall
think proper to give the manner of calling
future meetings.

You are therefore required in the name of
the commonwealth of Massachusetts to notify &
warn the proprietors of said association
to meet at Alfred Smiths coffee house
on Saturday the ~~seventeenth~~ ^{eighteenth} day of October
current at six o'clock in the afternoon
to act on the articles of

given under my hand & seal this 8th
day of October 1831—

Joshua L. Robinson
Justice of the Peace

Buckham To the proprietors of the Adams
North Village Aqueduct apportionment

you try

You are hereby notified & warned
to meet at Alpheus Smiths coffee
house in Adams North Village on
Saturday the fifteenth day of October in
stant at six o'clock P.M. to organize
themselves into a corporation to choose
such officers as may be proper & to
make such other regulations as is
necessary & to fix the manner of
calling future meetings.

By virtue of a warrant from Josiah
L. Robinson Esq. to me directed
Dated at Adams October 8th 1831

Nathaniel Putnam

At a meeting of the proprietors of the
Adams North Village ~~Aqueduct~~
Association on the 15th day of Oct 1831
convened according to law. by ~~the~~ foregoing
notice of one of the proprietors of said
Association Nathan Putnam Esq was
chosen Moderator and
Thomas A Brayton Clerk who
after being duly sworn entered upon the
duties of his Office

George Carling
Edmund Southwick
Thomas A Brayton
were then chosen Directors
Resolved

That future meetings shall be called
by an order from the directors or a written
request of three of the proprietors directing

the clerk to notify the time and place of
such meeting, at least seven days before
3 meeting, by pasting up notice of the same
at three different public places in Adams
north Village

Voted

That the Directors be authorized
to repair the water course now the
property of this association to conduct
it to the door of each individual proprietor
to admit ~~rather~~ proprietors on such
terms as they shall see fit and to assess
and collect taxes to defray the expense of the
same Voted

to adjourn this meeting
to the 3rd of Nov next, being the first
Saturday in 3 month.

Thomas A Braymton. Clerk

The following persons have entered
their names as proprietors in the Adams
North Village Aqueduct Association and
have taken the number of shares
respectively set to their names

Names.

No- of Shares

Nathan Putnam
Thos A Braymton
Edward Richmond
Jeremiah Colgrove
David Darling
Ismael Spink
Geo. Darling
Edmund Southwick
L. W. Stearns
E. L. Chace
William Bond
Joseph Howland

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Thomas A. Brayton Clerk who
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duties of his Office

George Carling

Edmund Southwick

Thomas A. Brayton

were then chosen

Noted

Directors

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by an order from the directors or a written
request of three of the proprietors directing

The A. N. V. Aqueduct Association
met pursuant to adjournment on the
5th of Nov. 1831. The Moderation being
absent Edward Richmond was chosen
Moderator. pro. tem

The meeting spent some time in discussing the
affairs of the association and adjourned to
meet at the House of Alpheus Smith on
Saturday Nov. 26th being the 4th Saturday
in December. Thos. A. Brayton Clerk

The association met at the time and place
specified in the above adjournment.

Thos. A. Brayton was chosen Moderator
pro tem. Voted then to adjourn for two
weeks being the 10th day of Dec. at the House
of Alpheus Smith at 7 o'clock P.M.

Thos. A. Brayton

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William Bond
Joseph Howland

At a meeting of the Adams North Village
aqueduct Association held at Alpha
Smiths April 7th 1832 previously notified
agreeable to the bye laws of the Association
Edward Richmond was chosen Moderator
Voted.

to adjourn to. Monday April 18th at 7 o'clock
P.M. at Alpha Smiths

Thomas A. Brayton Clerk