

THE  
ACTS AND RESOLVES  
PASSED BY  
THE LEGISLATURE  
OF THE  
STATE OF VERMONT,  
AT THE OCTOBER SESSION,  
1849.



PUBLISHED BY AUTHORITY.

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MONTPELIER:  
E. P. WALTON & SON,  
1849.

No. 86.—AN ACT TO INCORPORATE THE BURLINGTON AQUE  
DUCT COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. Frederick Smith, William H. Wilkins, jr., Ralph Landon, and John McDonald. Jr., and their associates and successors, are hereby constituted a body politic and corporate, by the name of the Burlington Aqueduct Company, and shall have perpetual succession, and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in all suits and actions; may purchase, hold and convey real and personal estate, to an amount not exceeding fifty thousand dollars; may have a common seal, and the same alter at pleasure; and shall have and enjoy all the privileges incident to corporations, for the purpose of constructing, laying, repairing and maintaining an aqueduct to supply the inhabitants of the village of Burlington, in the county of Chittenden, with pure water for culinary and domestic uses.

SEC. 2. A majority of said corporators are authorized to call the first meeting of the corporation, to be holden in the village of Burlington, at such time and place as they shall appoint at any time within one year from the passing of this act, for the purpose of choosing such officers as may be deemed necessary, by posting up a notification thereof on the court house in said village, at least twelve days before said meeting, and the said corporation may, at such meeting, and at all other meetings, legally notified, make, alter, and repeal such by-laws, rules and regulations, as may be thought necessary for the due regulation and management of said corporation, not repugnant to the laws of this State, or of the United States.

SEC. 3. The said corporation may divide their stock into as many shares, and provide for the sale and mode of transfer thereof, as said corporation may from time to time deem expedient, and may levy and collect assessments on such shares, according to law.

SEC. 4. The said corporation are hereby empowered to take the waters of Lake Champlain and of Onion River, or either of them, for the purpose of supplying their said aqueduct, and also to take the waters of such fountains and springs as they may purchase of the owners thereof for that purpose; *Provided*, That if water shall be taken from Onion River, it shall be so taken as not to injure any mill privilege, or water power,

owned by any individual or company, without compensation therefor.

SEC. 5. The said corporation may dig up and open any street, common, or highway in the county of Chittenden, necessary for the purpose of constructing reservoirs, and laying said aqueduct, or for repairing the same; *Provided*, The same be done in such manner as not to prevent the convenient passing of teams and carriages, and be completed within a reasonable time, and so as not to disfigure said commons, or highways.

SEC. 6. The said corporation is hereby authorized and empowered, to enter upon, and use any land and enclosure, through which it may be necessary for said aqueduct to pass, on the most direct and practicable route from whence said water may be taken to the street, common or highway, through which the same is to be conveyed, for the purpose of placing such reservoirs, and conduits or pipes, as may be necessary for constructing, completing and repairing said aqueduct, and to agree with the owner or owners thereof for the use of the same; but in case of disagreement, or in case the owner thereof be *feme covert*, under age, or non compos mentis, or out of the State, or otherwise incapacitated to sell and convey, then in that case it shall be lawful for said corporation, or for the owner or persons interested in such lands, to apply to the judges of the county court, for the county of Chittenden, by petition, whose duty it shall be forthwith to appoint three disinterested persons, to examine the premises and assess the damages sustained by the owner, or owners, or occupiers of such lands, by the construction of said aqueduct; and it shall be the duty of said committee to appraise the damages on oath, and report the same to said court as soon as convenient; and if said report shall be accepted by said court, they shall render judgment thereon, and may issue an execution therefor, with costs. And in case of disagreement between the corporation, and the owner, or owners of any mill privilege, or water power of Onion river, as to compensation for damages under this act, the same shall be ascertained, settled, and determined in the same manner as is provided in this section, relating to damages to lands.

SEC. 7. The inhabitants of the village of Burlington, may put conductors into the pipes of said aqueduct for the purpose of drawing therefrom, free of expense, as much water as may be necessary, when any building shall be on fire in said village; *Provided*, That such conductors shall be so secured that water shall not be drawn therefrom, unless for the purpose of extinguishing fires.

SEC. 8. Before the said corporation shall be entitled to collect and receive pay for the sale of water furnished by their aqueduct, they shall make out and submit to the judges of the county court, for the county of Chittenden, a tariff of rates thereof, and obtain the sanction and approval of the same by said judges; and said judges may alter the tariff of rates from time to time, as shall be deemed just to the parties.

SEC. 9. At the expiration of ten years, or at any time thereafter, from the time the said corporation shall so far complete said aqueduct, as to commence receiving pay for the water furnished by the same, the inhabitants of said village of Burlington shall have a right to purchase the whole of the stock paid in by all the stockholders, at an advance of ten per cent. on the said stock paid in, and on payment of said sum, the said corporation shall assign and transfer to the inhabitants of said village, the whole of said stock, and all their interest in said aqueduct.

SEC. 10. This act shall take effect from its passage.

SEC. 11. This act shall be under the control of any future Legislature, to alter, amend, or repeal.

Approved, November 7th, 1849.

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No. 87.—AN ACT TO INCORPORATE THE BELLOWS FALLS WATER COMPANY.

*It is hereby enacted by the General Assembly of the State of Vermont, as follows :*

SEC. 1. Russell Hyde, William Conant, Horace Baxter, Wil- F. Hall, and John Arms, their associates and successors, are hereby constituted a body corporate, by the name of the Bel- lows Falls Water Company, with the powers incident to corpo- rations; and may hold real and personal estate not exceeding twenty thousand dollars, for the purpose of constructing and maintaining an aqueduct to supply the inhabitants of the vil- lage of Bellows Falls, in the county of Windham, with pure water for domestic uses.

SEC. 2. A majority of said corporators may call the first meeting of the corporation, to be held in the village of Bellows Falls, at such time and place as they shall appoint, within sixty days from the passage of this act, by posting up a notification thereof, at two public places in said village, at least five days before said meeting, for the purpose of choosing such officers as may be deemed necessary; and the said corporation, at such