

Vt. Laws, 1861, etc.

THE
ACTS AND RESOLVES
PASSED BY THE
GENERAL ASSEMBLY
OF THE
State of Vermont,
AT THE
OCTOBER SESSION,
1861.



PUBLISHED BY AUTHORITY.

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Orleans at its first session thereafter, and if their report shall be accepted by said court, said court shall render judgment thereon, and may issue an execution therefor, with such costs as said court shall deem proper.

SEC. 6. This act shall be subject to the provisions of chapter eighty-three of the compiled statutes entitled "of private corporations," and may be altered, amended or repealed, as the public good may require.

SEC. 7. This act shall take effect from its passage.

Approved November 9, 1861.

No. 102.—AN ACT TO INCORPORATE THE DERBY
AQUEDUCT COMPANY.

SECTION

1. Corporators. Name and powers of corporation.
2. First meeting, how and when called, &c. May make all by-laws, may divide stock into shares and provide for transfer of same. Liability of directors.
3. Further powers of corporation. *Proviso.*

SECTION

4. Corporation may use lands, &c.; manner of compensating the owners thereof.
6. Act subject to the provisions of chapter eighty of the compiled statutes, and to be under the control of the legislature.

It is hereby enacted by the General Assembly of the State of Vermont:

SEC. 1. Jacob Bates, Person True, John Kelley, J. L. Edwards, H. H. Carpenter, C. A. Harris, Harry Hinman, William Dow, Joseph Bates, 2nd, Chester Carpenter, Jr. and John Tinker, and their associates and successors, are hereby constituted a body corporate by the name of the Derby Aqueduct Company, with powers incident to corporations, and may hold real and per-

sonal estate not exceeding twenty thousand dollars in value, for the purpose of constructing and maintaining an aqueduct for the purpose of supplying the inhabitants of the village of Derby with water for domestic and other purposes.

SEC. 2. The first meeting of said corporation may be called by either of the persons above named, at any time within one year from the passage of this act, by giving personal notice of the time and place to all of the others, at least six days previous to said meeting: and the said corporation may at this, and all subsequent meetings legally notified, make, alter and repeal such by-laws, rules and regulations, as may be thought necessary and not repugnant to the laws of this state; and such 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 said shares according to law; and if the indebtedness of said corporation shall, at any time exceed one half of the capital stock actually paid in, the directors shall be personally liable for said excess.

SEC. 3. The said corporation may take the waters of such fountains and springs as they may purchase of the owners for that purpose, and may dig up and open any street, common or highway, for the purpose of constructing and laying down or repairing such aqueduct or resevoirs connected with the same; *provided*, the same may be done in such a manner as not to prevent their convenient use for travel, and to be completed in a reasonable time, and in such a manner as not to disfigure or injure said street, common or highway; and in all cases where said corporation shall lay or repair any of their pipes in any enclosed land, they shall pay all damages done to crops thereon, and leave the surface of said lands, as near as may be, in as good condition as before laying or repairing said pipes.

SEC. 4. The said corporation may enter upon and use any land and enclosure through which it may be necessary for said aqueduct to pass, on the most practicable route from whence its waters may be taken, for the purpose of placing such reservoirs and pipes as may be necessary for constructing, completing and repairing said aqueduct, and may agree with the owner or owners thereof for the use of the same; but in case of disagreement, or if the owner be a minor, insane, or out of the state, or otherwise incapacitated to sell and convey, said corporation, or the owners or persons interested in lands so entered upon, may apply to the judges of the county court for the county of Orleans by petition, who shall appoint forthwith three disinterested persons to view the premises and assess the damages sustained by the owners or occupants of such lands by the construction of said aqueduct, and said committee shall appraise said damages on oath, and report the same to the county court for the county aforesaid, at its first session thereafter, and if their report shall be accepted by said court, said court shall render judgment thereon, and may issue an execution therefor with costs.

SEC. 5. Said corporation shall have power to contract debts, borrow money, and issue their bonds or other obligations therefor, and, for their security and payment, mortgage the property, either real or personal, of said corporation, together with their franchise, which bonds or other obligations and mortgages shall be executed in such manner as said corporation shall, by a by-law for that purpose, direct; and any such mortgage shall be recorded at length in the town clerk's office in Derby, and shall be binding on said corporation.

SEC. 6. This act shall be subject to the provisions of chapter eighty-three of the compiled statutes, entitled "of private corporations," and may be altered, amended or repealed, as the public good may require, and shall take effect from its passage.

Approved November 20, 1861.