

# ACTS AND RESOLVES

PASSED BY THE

## GENERAL ASSEMBLY

OF THE

# STATE OF VERMONT,

AT THE

FIFTH BIENNIAL SESSION, 1878.



PUBLISHED BY AUTHORITY.

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1878.

with the same, shall be liable to be prosecuted by information, complaint or indictment, and, on conviction thereof, shall be fined not less than five dollars nor more than one hundred dollars, and pay costs of prosecution, and shall also be liable to said corporation for all damages.

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of the general statutes applicable thereto, entitled "Of private corporations," and may be altered or amended, or repealed, as the public good may require.

SEC. 7. No part of the capital stock shall be withdrawn or be diverted in any [manner] from the proper business of the company, and said corporation shall not at any time contract debts to an amount exceeding three-fourths of its capital actually paid in; and if at any time the indebtedness of said company shall exceed the amount aforesaid, the directors and stockholders of said corporation shall be personally liable for such excess to the creditors of said corporation.

SEC. 8. This act shall take effect from its passage.

Approved November 13, 1878.

## No. 174—AN ACT TO INCORPORATE THE NEWPORT AQUEDUCT COMPANY.

### SECTION

1. Corporation, with rights and powers; capital stock.
2. Three corporators to call meeting; warning; for what purpose; levy taxes.
3. Powers of the corporation.
4. To take land; damages therefor, how recovered.
5. Capital stock not to be withdrawn; no debts to be contracted exceeding three fourths of capital stock.
6. Prosecution for injury to property.‡

### SECTION

7. Corporation to have power to assign to the village of Newport all the works so constructed.
8. Village of Newport to have power to hold the same; responsible for damages.
9. Corporation to borrow money; limitations.
10. Subject to future legislation, and the provisions of chapter 86 of the general statutes, and to take effect.

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

SEC. 1. A. W. Brown, J. A. Prouty, F. M. Sherman, D. M. Camp, C. G. Goodrich, Horace Lawrence, and H. S. Root, their associates and successors, are hereby constituted a body corporate by the name of the Newport Aqueduct Company, with all the rights and powers incident to corporations, and may hold real and personal estate, not exceeding thirty thousand dollars in value, for the purpose of constructing and maintaining an aqueduct to supply the inhabitants of the village of Newport with water for domestic and other purposes.

SEC. 2. Any three of the said corporators may call the first meeting of the corporation, to be held in the village of Newport, at such time and place as they shall appoint, by publishing a notice thereof in the newspaper printed in said village at least seven days prior to said meeting, for the purpose of choosing such officers as may be deemed necessary; and said corporation, at any meeting legally warned, may make, alter and repeal such by-laws, rules and regulations as may be deemed necessary, not repugnant to the laws of this State; and may fix the amount of their capital stock, divide the same into shares and provide for the sale and transfer of the same; may levy and collect assessments thereon according to law, and may increase the shares from time to time to an amount sufficient to carry into effect the objects of this act; and may fix the rates of rents and the same alter at pleasure, and shall have power to sue for and collect said water-rents when necessary.

SEC. 3. The said corporation may take the water from Clyde river, or any brook or stream tributary thereto, at or near Arnold's Falls, so-called, in the town of Derby; or may take the waters of any fountain, brooks and springs, elsewhere, that they may purchase of the owners for that purpose; or may take the waters from Lake Memphremagog by windmill or other power; and may dig up and open any street, common or highway for the purpose of constructing and laying down or repairing such aqueduct or reservoirs as shall be connected therewith: *provided* the same be done in such a manner as not to disfigure or injure any street, common or highway, and be completed in a reasonable length of time. And in all cases where said corporation shall lay or repair any of their logs or pipes in any lands, they shall pay all damage done thereon, and shall leave the surface of said lands, as near as may be, in as good condition as before laying or repairing said logs or pipe.

SEC. 4. The said corporation may enter upon and use any land or inclosure through which it may be necessary to pass with said aqueduct, on the most practicable route from where 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 any owner thereof be a minor, insane, unknown or otherwise incompetent or incapacitated to sell or convey, said corporation, or the owner or persons interested in land so entered upon, may apply to a judge of the county court for the county of Orleans, by petition, who shall forthwith appoint three disinterested persons to view the premises, and assess the damages sustained by the owner or occupants of said lands, by reason of the construction of said aqueduct, and said committee shall appraise such damages and report the same to the county court for the county aforesaid, at its first session thereafter, and if said report shall be accepted by said court, the court may render judgment thereon and may issue execution therefor with costs.

SEC. 5. No part of the capital stock shall be withdrawn or in any way diverted from the proper business of the company, and said cor-

poration shall not at any time contract debts to an amount exceeding three fourths of its capital actually paid in ; and if at any time the indebtedness of said company shall exceed the amount aforesaid, the directors and stockholders of said corporation shall be personally liable for such excess to the creditors of said corporation.

SEC. 6. Any person who shall maliciously disturb or injure said aqueducts, springs, streams, reservoirs or any works or enclosures connected with the same, shall be liable to be prosecuted by information, complaint or indictment, and on conviction thereof shall be fined not less than five dollars nor more than one hundred dollars, and pay costs of prosecution, and shall also be liable to said corporation for all damages.

SEC. 7. Whenever such action may be found desirable, the said aqueduct company is hereby authorized and empowered to assign and transfer to the corporation of the village of Newport all the water-works, of every description, which may hereafter be constructed by them, together with all the rights, privileges and franchises granted to said company by its charter, upon such terms and conditions as shall be agreed upon by the directors of said company, and the trustees of said corporation of the village of Newport ; and the said directors and trustees are hereby authorized to make and conclude in behalf of said company and corporation respectively all such deeds, contracts, and agreements, as may be necessary to effect and complete such transfer.

SEC. 8. Upon the completion of such transfer, the said corporation of the village of Newport and its successors shall have the right to exercise and hold all the rights granted to said aqueduct company by its charter, and shall be responsible, and be held liable, for the full performance of all unexecuted agreements of said aqueduct company, in respect to the construction of said water-works and the payment of damages resulting therefrom, and for the payment of any and all unadjusted damages occasioned by the construction of said water-works, in the same manner as said aqueduct company would have been liable, and any party having cause of action or ground for proceedings in court against said aqueduct company in respect to such contracts or damages, may, after the completion of such transfer, bring directly against said corporation of the village of Newport such actions or proceedings in court as they might have brought against said aqueduct company in case such transfer had not been made. And upon the completion of such transfer all the rights granted to said aqueduct company shall cease and its corporate existence shall terminate : provided, however, that nothing herein shall be construed to release or discharge said company from any legal liability it may have incurred.

SEC. 9. In case of such transfer, the said corporation of the village of Newport is hereby authorized and empowered through its trustees to borrow money on the credit of said corporation to an amount not exceeding twenty thousand dollars ; and make and issue its bonds, notes or other obligations therefor, in such sums, for such

time and at such rate of interest not exceeding seven per cent. per annum, as said corporation may direct by a vote of the legal voters in said village of Newport, at a legal meeting called for that purpose, to meet and defray the necessary expenses of constructing, building, completing and repairing said aqueduct, reservoirs and their connections and extensions.

SEC. 10. This act shall be subject to the provisions of chapter eighty-six of the general statutes applicable thereto, and shall be subject to the control of any future legislature to alter, amend or repeal as the public good may require, and shall take effect from its passage.

Approved November 21, 1878.

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No. 175—AN ACT IN AMENDMENT OF AN ACT TO INCORPORATE "THE VERMONT BAPTIST STATE CONVENTION," APPROVED NOVEMBER 18, 1851.

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

SEC. 1. Section four of an act to incorporate "The Vermont Baptist State Convention," approved November 18, 1851, is hereby amended so as to read as follows, to wit:

Said trustees may receive, hold, and alienate, real and personal estate to an amount not exceeding one hundred thousand dollars, in trust for the use of said convention, to be appropriated for the benefit of domestic and foreign missions, and for any other religious or educational purposes.

Approved November 21, 1878.

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No. 176—AN ACT TO INCORPORATE THE VERMONT BAR ASSOCIATION.

SECTION

1. Members of; purposes of association.
2. Power to acquire property; how secured.
3. Constitution.
4. Property holden by officers; where

SECTION

- vested.
5. Sue and be sued; powers.
6. Act under control of legislature.
7. To take effect.

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

SEC. 1. The members of the voluntary association, which was formed at Montpelier, October 22 and 23, 1878, under the name of