

ACTS AND RESOLVES

PASSED BY THE

GENERAL ASSEMBLY .

OF THE

STATE OF VERMONT,

AT THE

ANNUAL SESSION, 1867.



PUBLISHED BY AUTHORITY.

MONTPELIER:

FREEMAN STEAM PRINTING ESTABLISHMENT.

1867.

No 96.—AN ACT TO INCORPORATE THE FOUNTAIN AQUEDUCT COMPANY.

SECTION	SECTION
1. Corporators; name; powers, privileges; purpose.	missioners; duty of commissioners.
2. First meeting, how called; by-laws; capital stock, &c.	5. Penalty for injuring works of company.
3. May enter upon lands, &c.; with proviso.	6. Subject to general laws and to legislation.
4. May enter upon lands for certain purposes, and in case of disagreement as to damages, county court may appoint com-	7. Restriction of indebtedness; liability of directors.
	8. To take effect.

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

SEC. 1. Charles P. Kimball, George M. Fisk, Jasper H. Orcutt, Elbridge G. Pierce, Hopson Barker, George Nichols, Charles A. Edgerton and William C. Woodbury, their associates and successors, are hereby constituted a body corporate, by the name of the Fountain Aqueduct Company, with the powers incident to corporations, and may hold real and personal estate, not exceeding fifty thousand dollars in value, for the purpose of constructing and maintaining an aqueduct to supply the inhabitants living in and near to the village of Northfield, with water for domestic and other purposes.

SEC. 2. Any three of said corporators may call the first meeting of the corporation, to be held in the village of Northfield, at such time and place as they shall appoint, at any time within one year from the passage of this act, by posting a written notice thereof at two public places in said village, at least five days prior to said meeting, for the purpose of choosing such officers as may be deemed necessary; and said corporation, at any meeting legally notified, 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 and

divide the same into as many shares, and may increase the same from time to time to an amount sufficient to carry into effect the objects of this act, and may provide for the sale and transfer thereof, and may levy and collect assessments upon said shares, according to law, and may fix the rates of rents, and the same alter at pleasure, and shall have the power to sue for and collect said water rents, when necessary.

SEC. 3. The said corporation may take the waters of such fountains, brooks 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 aqueducts and reservoirs connected with the same; 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 enclosed lands, they shall pay all damage done to crops 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 pipes.

SEC. 4. The said corporation may enter upon and use any land or enclosure, through which it may be necessary for said aqueduct to pass, 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, out of the State, or otherwise incompetent or incapacitated to sell and convey, said corporation or the owner or persons interested in lands so entered upon, may apply to the judge of the county court for the county of Washington, by petition, who shall forthwith appoint three disinterested persons to view the premises and assess the

damages sustained by the owners or occupants of said lands, by reason of the construction of said aqueduct, and said committee shall appraise such damages on oath, 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 shall render judgment thereon, and may issue execution therefor with costs.

SEC. 5. Any person who shall maliciously disturb or injure said aqueducts, springs, reservoirs, or any works or enclosure 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 twenty dollars, and 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, entitled "Of private corporations," and may be altered, amended or repealed, as the public good may require.

SEC. 7. No part of the capital stock shall be withdrawn or in any way diverted from the proper business of the company; and such corporation shall not at any time contract debts to an amount exceeding three-fourths of its capital; and if at any time the indebtedness of said company shall exceed the amount aforesaid, the directors 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 21, 1867.