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ACTS AND RESOLVES

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF VERMONT,

AT THE

THIRD BIENNIAL SESSION, 1874.



PUBLISHED BY AUTHORITY.



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1874.

No. 122.—AN ACT TO INCORPORATE THE EMERSON
AQUEDUCT COMPANY.

SECTION

1. Corporators ; purpose ; name ; powers, rights and privileges.
2. Capital stock.
3. By-laws.
4. First meeting, how called.
5. May purchase other aqueducts.
6. Officers.
7. Powers of corporation in construction of aqueducts and reservoirs.

SECTION

8. Right of use of any land guaranteed ; damages therefor, how determined and adjusted.
9. Penalty for injury to property.
10. Limitation of indebtedness.
11. Subject to future legislation and general law.
12. To take effect.

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

SEC. 1. Thomas Emerson and Esther Emerson, of Northfield, in the county of Washington and state of Vermont, and Charles W. Emerson, of Fitchburgh, county of Worcester and commonwealth of Massachusetts, their associates and successors, are hereby constituted a corporation for the purpose of constructing and maintaining an aqueduct or aqueducts to supply the inhabitants of the village of Northfield, and the inhabitants of the outlying and adjacent territory, with water for domestic and culinary purposes,—said corporation to be known by the name of the Emerson Aqueduct Company ; and by that name may sue and be sued, may purchase and hold real and personal estate, and convey the same, so far as shall be necessary for carrying on the business mentioned in this act, and shall be vested with all the rights, powers and privileges incident to a corporation for the purposes aforesaid.

SEC. 2. The capital stock of said company shall be one hundred shares of twenty-five dollars each, which stock may be increased by said corporation to three hundred shares, as shall be necessary, and said corporation may 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 fix the rates of rents and the same alter at pleasure, and shall have the power to sue for and collect said water rates or rents when necessary.

SEC. 3. Said corporation may at its annual meeting, and at all other meetings legally notified for that purpose, make, alter and repeal such by-laws, rules and regulations as may be thought necessary, and which are not repugnant to the laws of this state.

SEC. 4. The first meeting of this corporation shall be held at Northfield, and shall be called by the first person named in this act by giving six days notice in writing to all the stockholders, or by publishing the same in some newspaper printed in Washington county two successive weeks prior to the day of said meeting, and at said meeting the company may organize and elect all necessary officers.

SEC. 5. Said corporation created by this act may purchase any aqueduct now in use, or in process of construction, and take a conveyance of title by deed or otherwise, and divide the same into shares, agreeably to the by-laws of said corporation.

SEC. 6. The officers of said company shall be a president, three or five directors, a clerk and treasurer, and

such other officers as it may deem expedient; and such officers shall hold their offices for such times, shall perform such duties, shall give such bonds for faithful performance of said duties, shall be entitled to such compensation, and generally shall be governed and controlled in such manner and to such extent, as said company by its by-laws shall provide.

SEC. 7. The said corporation may take the waters of such fountains and springs as they have purchased or may purchase of the owners for that purpose, or purchase any aqueduct now constructed, and may dig up and open any street, common or highway, for the purpose of constructing and laying down or repairing such aqueduct or aqueducts and reservoirs connected with the same; provided, they shall first obtain the consent of a majority of the board of trustees of the village of Northfield for that purpose; and 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 field 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. 8. 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 any owner thereof 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 Washington, by petition, who shall appoint forthwith three disinterested persons to view the premises and assess the damages sustained by the owners or occupants of or interested parties in said lands, by the construction of said aqueduct, and said committee shall appraise such damage on oath, and report the same to the county court 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 an execution therefor, with costs.

SEC. 9. Any person who shall maliciously or willfully disturb or injure said aqueduct or aqueducts, springs or reservoirs, or any enclosure or appurtenant of the same shall be liable to be prosecuted by information, complaint or indictment, and on conviction thereof shall be fined not less than five nor more than twenty dollars and costs of prosecution, for each offense proved against him, and shall also be liable to said corporation in an action on the case for all damages.

SEC. 10. This corporation shall not contract debts to an amount exceeding three fourths of the capital stock actually paid in, and if the indebtedness of said company shall at any time exceed the amount aforesaid, the directors and stockholders shall be personally liable for such excess to the creditors of such corporation.

SEC. 11. This act shall be subject to the control of future legislatures to alter, amend or repeal, and also to all general laws now or hereafter enacted relative to private corporations.

SEC. 12. This act shall take effect from its passage.

Approved, November 24, 1874.

No. 123.—AN ACT TO INCORPORATE THE GUILD-HALL AQUEDUCT COMPANY.

SECTION

1. Corporators; name; powers; purpose.
2. By-laws.
3. Capital stock; shares; increase and transfer of same; assessments.
4. Powers, rights and privileges; liabilities.
5. May enter upon lands for cer-

SECTION

- tain purposes, but must pay damages; proceedings for collection of same.
6. Penalty for disturbing or injuring aqueduct.
7. Subject to general laws and future legislation.
8. To take effect.

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

SEC. 1. Such persons as shall hereafter become stockholders are hereby constituted a body corporate by the name of the Guildhall Aqueduct Company, with powers incident to corporations, and may hold real and personal estate, not exceeding ten thousand dollars in value, for