

# ACTS AND RESOLVES

PASSED BY THE

GENERAL ASSEMBLY

OF THE

# STATE OF VERMONT,

AT THE

ELEVENTH BIENNIAL SESSION, 1890.



PUBLISHED BY AUTHORITY.

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No. 169.—AN ACT TO EMPOWER THE VILLAGE OF NORTHFIELD TO BRING WATER INTO SAID VILLAGE AND TO ISSUE BONDS FOR THAT PURPOSE.

## SECTION.

1. Power to take water.
2. Authorized to construct aqueduct ; right to use lands.
- 3 and 4. Damage ; how determined.
5. By-laws, rules and regulations.

## SECTION.

6. May issue bonds ; may vote, assess and collect tax.
7. Water commissioners ; how elected ; term of office.
8. Penalty for disturbance, etc.
9. When to take effect.

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

SECTION 1. The seventh section of the act of incorporation of the village of Northfield, approved November 14, 1855, is hereby amended so as to authorize said village, through its board of water commissioners, to be elected as hereinafter provided, to take the water of any fountains, springs, ponds, or streams, for the purpose of supplying the inhabitants of said village with water for fire, domestic, and other purposes, provided the owner, or other person having any interest in the same, shall not be deprived of such portion of such water as may be necessary for agricultural and domestic purposes.

SEC. 2. Said village is hereby authorized and empowered, through said water commissioners, to construct and complete an aqueduct, with all necessary reservoirs and appurtenances, to conduct said water to and distribute the same through said village, and for this purpose may enter upon and use any land over or through which it may be necessary or desirable for said aqueduct to pass, and may thereon lay and construct such pipes, reservoirs, and appurtenances as may be necessary for the complete construction and repairing of the same, and it may also, for the purposes aforesaid, dig up or occupy any common, highway, street, or bridge, for the purpose of laying, constructing, or repairing such aqueduct and the appurtenances thereof.

SEC. 3. In any case where damage or compensation to owners of, and other persons interested in, the water so taken, or such land as may be used for laying, extending, constructing, and maintaining such aqueduct, and for such reservoirs and appurtenances, is not adjusted by agreement, or if the owner thereof be a minor, insane, or out of the State, or otherwise incapacitated to sell and convey, the same shall be fixed by the board of water commissioners after hearing of all parties interested, such hearing to be had upon written notice of the time and place thereof, given at least ten days before said hearing, and said water commissioners shall, within ten days after said hearing, file their award in the town clerk's office in the town or towns where the property in question is situated, and cause the same to be recorded in the land records of said town or towns.

SEC. 4. When any person shall be dissatisfied with the award of the water commissioners so made, in any of the cases mentioned in the preceding section, such person may petition the Washington county court for a re-assessment and award of damages, and such proceedings shall be had in said court on said petition as are provided by law for the assessment of damages for land taken for highways, except that the commissioners appointed by said court shall notify one of said water commissioners of said village, instead of one of the selectmen. Said petition shall be served on the clerk of said village within sixty days next after said award shall be filed in the town clerk's office as aforesaid, and at least twelve days before the term of court to which it is made returnable, but nothing in such proceedings shall prevent the water commissioners from entering on such land, and laying and constructing said aqueduct, reservoirs, and appurtenances, and using said water after their award shall have been made and the amount thereof tendered by them.

SEC. 5. Said village may, at any legally warned meeting, enact and adopt such by-laws and regulations concerning the management and use of such aqueduct, reservoirs, and appurtenances, not inconsistent with law, as it may deem expedient, including the fixing and collecting of water rates, and the exaction of bonds from the collector of said rates for the faithful discharge of his duty, and the said water commissioners are hereby empowered to carry such by-laws and regulations into effect.

SEC. 6. Said village is hereby authorized to issue bonds, not exceeding twenty-five thousand dollars, on such terms as said village shall prescribe for carrying into effect the foregoing provisions. And in case said village shall neglect to make reasonable provision for the payment of the interest on and principal of said bonded indebtedness as the same shall become due and payable from time to time, it shall be the duty of the treasurer of said village to seasonably make out and deliver to the collector of said village a tax bill on the grand list of said village, and he shall therewith issue to said collector his warrant substantially in form as now provided for, to be issued for the collection of town or other taxes, directing the collection and payment of said tax to said treasurer within sixty days from the time of such delivery, in amount sufficient to seasonably and promptly pay the interest or principal, or both, then past due and unpaid, with all proper charges for assessing and collecting the same. And such tax shall be collected and paid to said treasurer promptly according to warrant; and the money so collected and paid to such treasurer shall be specially held, appropriated, and used for the payment of such interest or principal, or both, and for no other purpose save the incidental expense of assessing and collecting such tax. And it is hereby made the duty of the treasurer of said village to provide for and promptly pay the interest on and principal of said bonded indebtedness as the same shall become due and payable from time to time, without any vote thereupon of said village; and such tax bill shall have all the force and authority in

every respect of a tax bill for a tax voted at any regular meeting of such village.

SEC. 7. Section three of the aforesaid act of incorporation is hereby amended so as to provide for the election, in addition to the officers therein named, of five water commissioners, whose duty it shall be to carry into effect the provisions of this act. The term of office of said water commissioners shall be five years, excepting the several members of the first board of water commissioners, whose term of office shall be determined as follows:

The commissioner first chosen shall hold office five years from the next annual meeting; the commissioner next chosen shall hold office four years from the next annual meeting; the commissioner next chosen shall hold office three years from the next annual meeting; the commissioner next chosen shall hold office two years from the next annual meeting, and the commissioner next chosen shall hold office one year from the next annual meeting.

The first board of water commissioners shall be elected at the first village meeting after the passage of this act, or, in case of failure to so elect, at any subsequent village meeting. A vacancy in the board of water commissioners by reason of expiration of term of service shall be filled by election by the village at the annual village meeting held at the time of such expiration of term; and when a vacancy occurs in said board from any other cause, appointment to fill said vacancy by the trustees shall be only until the next annual meeting of the village, when the village shall elect a commissioner to fill the then unexpired term.

SEC. 8. Any person who shall maliciously disturb or injure said aqueduct, reservoirs, springs, stream, pond or fountains, or any of the connecting appurtenances, enclosures or works thereof, or pollute the water of said aqueduct, reservoirs, springs, stream, pond or fountains, named or referred to in this act, or swim or bathe in the waters of said reservoir, springs, streams or fountains, shall be liable to be prosecuted therefor by the grand juror of the town or the state's attorney of the county wherein the offense shall be committed, 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 also shall be liable to said corporation for all damage resulting to it by such disturbance, injury or pollution, with full costs, the same to be recovered by said corporation in an action on the case founded on this statute.

SEC. 9. This act shall take effect from its passage.

Approved November 13, 1890.