

Vermont. Laws, and Resolves
ACTS AND RESOLVES

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF VERMONT

AT THE

FIFTEENTH BIENNIAL SESSION, 1898.



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public drinking troughs, or other uses, or by agreement with said water company may purchase the franchise, together with all property, real or personal, that may be legally possessed by said company.

SEC. 12. Act number 227, laws of 1894, is hereby repealed.

SEC. 13. This act shall be subject to future legislation, to alter, amend or repeal as the public good may require, and shall be subject to the provisions of chapter 164 of the Vermont Statutes and shall take effect from its passage.

Approved November 4, 1898.

No. 230.—AN ACT TO INCORPORATE PROSPECT STREET AQUEDUCT COMPANY OF NORTHFIELD.

Section

1. Corporators; corporate name and purpose.
2. First meeting; by-laws.
3. Capital stock; water rents, assessment and collection of.
4. Power to acquire water rights.
5. May occupy the bed of Dog River and public highways.
6. May take lands; condemnation proceedings.

Section

7. Injury to water works, how punished.
8. May borrow, bond, and mortgage property and franchise.
9. Corporate seal.
10. Subject to chapter 164, Vermont Statutes.
11. Debt not to exceed two-thirds capital stock paid in; stockholders liable for debt over that amount.

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

SECTION 1. Frank Plumley, Fred A. Jones, and Charles M. Davis of Northfield, in the county of Washington and state of Vermont, their associates and successors, are hereby constituted a body corporate by the name of the "Prospect Street Aqueduct Company," for the purpose of furnishing the village of Northfield, and the inhabitants thereof and the inhabitants of the outlying and adjacent territory with water for domestic, sanitary and other purposes.

SEC. 2. Frank Plumley is hereby authorized to call the first meeting of said corporation, at such time and place as he shall appoint, by giving at least six days' notice thereof to all persons who shall become stockholders in such corporation, and at such meeting legally warned for that purpose, said corporation may elect all necessary officers, and make, alter and repeal such by-laws, rules, and regulation, as may be thought necessary, not repugnant to the provisions of this act or to the laws of this state.

SEC. 3. The capital stock of said corporation shall consist of one hundred shares of ten dollars each, but may be increased by vote of said corporation to 2500 shares of ten dollars each, 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 such shares, according to law, and fix water rates and rents at pleasure, and shall have the power to sue for and collect said water rates and rents when necessary.

SEC. 4. Said corporation may purchase any aqueduct or aqueducts now in use, or in process of construction, and take a conveyance of title by deed or otherwise. And said corporation may take the waters of any ponds, springs or streams for the purposes aforesaid, but shall reimburse any owner or owners or persons having an interest in the same for any damages he may sustain, as hereinafter provided. But said corporation shall not take otherwise than by purchase, water or a spring of water which the owner requires for the reasonable and convenient use of his premises, and if the owner and the corporation cannot agree as to what water is necessary for such use, the corporation shall apply to the judges of the Washington county court, who shall forthwith appoint three disinterested persons to determine in the matter, and the proceedings of such persons so appointed and all other proceedings in the determinations of such matter shall be the same as provided in section six of this act; in case of a failure to agree as to the compensation to be paid for land or water taken.

SEC. 5. Said corporation may, for the purpose aforesaid, occupy the bed of Dog River with its aqueduct or aqueducts, and cross said river and its tributaries at any point, and may dig up or open any street, common, or highway, for the purpose of constructing, laying down, or repairing such aqueduct, or aqueducts and reservoirs connected with the same and the necessary appurtenances, feeders and extensions; provided the same be done in such manner as not to prevent their convenient use for travel, and be completed in a reasonable time, and so as not to disfigure or injure said streets, common, or highway.

SEC. 6. Said corporation may enter upon or use any land and enclosure over or through which it may be necessary for said aqueduct or aqueducts to pass on the most practicable route or routes from whence its waters may be taken, and may thereon place, lay and construct such pipe, reservoirs, appurtenances and connections as may be necessary for the complete construction and repairing of the same from time to time; and said corporation may agree with the owner or owners of said land or enclosures for the use and occupancy of the same, and also with any person or persons owning or having an interest in

any springs, stream, fountain or pond, for the use of the same or so much as said corporation may require ; but in case of disagreement or if the owner thereof be a minor, insane, or out of the state, or otherwise incapacitated to sell, convey or lease, 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 forthwith appoint three disinterested persons to view the premises and assess the damages sustained by the owner or owners or occupiers of such land, water or water rights, by using such water or water rights and the construction of such aqueduct or aqueducts, reservoirs and their necessary connections and appurtenances ; and said committee shall, after having been duly sworn to truly and faithfully perform their duties under their said appointment, examine the premises, appraise said damage and report make of the same to the county court in the county of Washington at the next term thereafter and said court may in its discretion accept, reject, or re-commit said report as the ends of justice may require ; and upon the acceptance of said report said court shall have the power to render such judgment, and issue execution thereof, as may be necessary to secure the rights of the parties in the premises ; but, in the event of the disagreement as to said damages, with any owner or persons interested in said land, it shall be competent for said corporation at any time before final judgment, to tender to said owner or person, or their attorney, or to pay into court, such sum or sums of money as it may elect, in satisfaction of said damages, and the taxable costs of proceedings to that time, and if the same shall not be accepted by said owner or person, or their attorney, and said proceedings by said petition shall thereafter be commenced or proceeded with by said owner or person and they shall finally receive a less sum in damages than the amount of said tender or payment is in excess of the taxable costs at the time of the same being made, in such case the said corporation shall receive of said person or owner all taxable costs or its part made in said proceedings subsequent to the making of said tender or payment, and may have execution therefor ; and in such proceedings said court shall have full power to make any and all orders in the premises, necessary to secure to the parties of said proceedings their costs ; and may, through its clerk or otherwise, fix the taxable costs to be recovered therein.

SEC. 7. Any person who shall wilfully or maliciously disturb or injure said aqueduct, reservoirs, springs, streams, ponds, or any of the connections, appurtenances, enclosures, or works thereof ; or pollute the water of said aqueduct, reservoirs, springs, streams, or ponds shall be liable to be prosecuted therefor by a grand juror of the town or the state's attorney for

the county wherein the offence shall be committed, 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; and shall also be liable to said corporation for all damages 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. 8. Said corporation shall have the power to sue and be sued, to contract debts, borrow money, and issue their bonds or other obligations therefor, and for the security and payment mortgage its 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 by-law for that purpose direct; and any such mortgage shall be recorded at length in the town clerk's office in Northfield, and shall be binding on said corporation.

SEC. 9. The said corporation may have a corporate seal, and may alter the same at pleasure.

SEC. 10. This act shall be subject to the provisions of chapter 164 of the Vermont Statutes, entitled "Private Corporations," and may be amended, altered or repealed, as the public good may require.

SEC. 11. This corporation shall not at any time contract debts to an amount exceeding two-thirds of its capital stock actually paid in; and if the debts of said corporation shall at any time exceed such an amount, the stockholders shall be personally liable to the creditors of said corporation for such excess.

Approved November 29, 1898.