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UNIVERSITY

Vermont. Laws, Statutes,  
**ACTS AND RESOLVES**

Passed by the

**GENERAL ASSEMBLY**

of the

**STATE OF VERMONT**

at the

**NINETEENTH BIENNIAL SESSION  
1906**

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from the city or by any reason of his inability to serve, prosecutions for breach of city ordinances or by-laws, may be brought by the city grand juror, if authorized in writing by the mayor, in said city court, and prosecutions for criminal offenses may be brought by the city attorney before justices of the peace; and the city attorney shall, in all cases, be subject to all and the same penalties and liabilities for any neglect or violation of official duty as are imposed by law upon state's attorneys. In all criminal prosecutions in said court the prosecuting officer shall be entitled to tax and receive the same fees provided by law for town grand jurors in similar cases, except that the state's attorney shall be entitled to ten cents per mile travel one way from the place of his abode to the city of Montpelier.

SEC. 7. Section 122 of No. 162 of the acts of 1900 is hereby repealed.

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

Approved December 18, 1906.

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No. 277.—AN ACT TO AMEND SECTION 5 OF NO. 198 OF THE ACTS OF 1898, ENTITLED "AN ACT TO AMEND THE ACT INCORPORATING THE VILLAGE OF NORTHFIELD," APPROVED NOVEMBER 14, 1855.

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

SECTION 1. Section 5 of No. 198 of the acts of 1898 is hereby amended so as to read as follows:

Section 5. Said corporation is authorized through its board of water commissioners 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 or other purposes, provided the owner or other person having an interest in the same shall not be deprived of such portion of such water as may be necessary for agricultural and domestic purposes.

Said corporation is hereby authorized and empowered, through said water commissioners, to construct and complete an aqueduct or aqueducts, 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 or aqueducts 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 purpose 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.

And the said corporation through its said water commissioners may agree with the owner or owners of said land for such use or occupancy of the same, and may also agree with any person or persons interested in the stream or streams of water, spring or springs by or through which such aqueduct or aqueducts may be supplied or through which it may be necessary to obtain such supply as to any damage or injury to said person or persons by reason of the taking of such water; but in case of disagreement either as to the necessity for the taking of such land or lands and the water aforesaid or damages for the same, or if the owner thereof, or any person interested therein be a minor, insane or out of the state, or otherwise incapacitated to sell or convey, or to make a binding contract with said corporation; either said corporation through its water commissioners, or the owners or persons interested in lands so entered upon, or in the water of said streams or springs, 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, ascertain the necessity for the taking, and if such necessity be found in their judgment assess the damages sustained by the owners or occupants of such lands, or by said person or persons interested in the water of said streams and springs by the construction of said aqueduct, reservoirs, and other necessary appurtenances, and by the taking of said waters from said streams and springs; and said committee, after having been duly sworn to truly and faithfully perform their duties under their said appointment, and after at least twelve days' notice to all persons interested shall examine the premises, ascertain the extent of and the necessity for the taking, and if such necessity be found, shall appraise said damages and make report of the same to the county court of Washington county at the then next term thereof; and said court may, in its discretion, accept or reject or recommit said report as the ends of justice may require; and upon the acceptance of such report, said court shall render such judgment and issue such execution thereon as may be necessary to secure the rights of the several parties in the premises. It is provided, that in the event of a disagreement as to damages with any owner or person interested in said lands, or in said waters it shall be competent for said corporation before the appointment of such committee, or at any time before final judgment, to tender to such owner, or person, or their attorney, or to pay into court, if the

case be there pending, such sum or sums of money as the said corporation through its water commissioners may elect to pay in satisfaction of said damages and the taxable costs of proceedings, if there be such, to that time; and if the same shall not be accepted by such owner or person, or his 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 recover a less sum in damages than the amount of said tender or payment in excess of taxable costs at the time of the same being made, said corporation shall recover of said person or owner all taxable costs on its part made in said proceedings subsequent to the making of said tender or payment, and may have execution thereof; and in such proceedings said court shall have power to make any and all orders in the premises necessary to secure to the parties to said proceedings their costs, and may, through its clerk or otherwise fix the taxable costs to be recovered therein.

In addition to the authority and power it now has by virtue of chapter 142 of the Vermont Statutes and the additions thereto and the amendments thereof, and of act number 198 of the acts of 1898, said corporation is hereby authorized and empowered through its trustees, or such other person or persons as may be named or designated by vote of said corporation, at a meeting lawfully held for that purpose to issue its bonds, notes, orders, or other obligations therefor in an amount not exceeding one hundred thousand dollars and in such sums, for such time, and at such rate of interest, not in excess of the lawful rate, as the said corporation may direct at a meeting of said corporation lawfully called for that purpose; which said bonds, notes, orders, or other obligations as issued and when issued shall be for the purpose of carrying into effect the foregoing provisions, and may be used and issued both for the aqueduct indebtedness of said corporation which is not yet accrued, and to renew and provide for the outstanding aqueduct indebtedness of said corporation. And in case said village shall neglect to make seasonable provision for the payment of interest on and the 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 the said village, and such treasurer shall therewith issue to said collector his warrant substantially in form as now provided for, to be issued for the collection of town and other taxes, directing the collection and payment of said tax to said treasurer within sixty days from the time of said delivery in an amount to seasonably and promptly pay such interest and principal, or both, then past due and unpaid, with all proper charges for assessing and collecting the same. And such taxes

shall be collected and paid to said treasurer promptly according to warrant; and the money collected and paid to such treasurer shall be especially held, appropriated, and used for the payment of such interest and 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 of a tax bill for a tax voted at any regular meeting of said village.

A person who maliciously disturbs or injures said aqueduct or aqueducts, reservoirs, springs, streams, pond or fountains, or any other of the connecting appurtenances, enclosures or works thereof or pollutes the water of said aqueduct or aqueducts, reservoir, springs, streams, pond or fountains, named or referred to in this act, or swims or bathes in the waters of said reservoir, springs, streams or fountains, shall be fined not more than twenty dollars nor less than five dollars with 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. 2. This act shall take effect from its passage.

Approved December 7, 1906.

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No. 278.—AN ACT TO INCORPORATE THE VILLAGE OF NEWFANE.

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

SECTION 1. The inhabitants of all that part of the town of Newfane, in the county of Windham, known as the village of Newfane, and enclosed in the following boundaries, to wit:

Beginning at a point on the highway leading from said village to Townshend at the northern boundary of L. H. Whitney's land; then easterly along said northern boundary of said Whitney's land to the western boundary of the West River Railroad; thence southerly along the westerly boundary of said railroad to the southeast corner of land owned by Stella Micott; thence westerly