

Acts and Resolves
Passed by the
General Assembly
of the
State of Vermont,
at the
Special Session
Convened Pursuant to a
Proclamation, of the Governor
August 25, 1891.

No. 8.—AN ACT TO INCORPORATE THE PITTSFORD
AQUEDUCT COMPANY.

SECTION.

1. Corporators; name; purpose; rights and privileges.
2. By-laws, rules and regulations.
3. Capital stock; value of share; transfer thereof; water rates; liability of directors.
4. Power to take water; occupation of lands in constructing and repairing aqueduct, etc.; reservations.

SECTION.

5. Damages; how determined.
6. Penalty for injury, etc.; how recovered.
- 7&8. Additional rights and liabilities of corporation.
9. Subject to further legislation.
10. When to take effect.

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

SECTION 1. S. K. Burbank, E. B. Rand, J. M. Goodnough, Dan. D. Burdit, W. T. Denison, F. C. Denison, Jno. W. Willard, C. S. Colburn and H. F. Walker, their associates and successors, are hereby constituted a body corporate by the name of the "Pittsford Aqueduct Company," with all the powers incident to corporations, and may hold real and personal estate not exceeding \$20,000 in value, for the purpose of constructing and maintaining an aqueduct to supply the inhabitants of Pittsford with water for domestic and other uses.

SEC. 2. Said corporation may at its annual meeting or at any meeting legally warned for that purpose, make, alter or repeal such by-laws, rules and regulations as may be considered necessary and as are not in conflict with the laws of the State.

SEC. 3. The capital stock of said corporation shall not exceed twenty thousand dollars, and shall be divided into shares of fifty dollars each. The said corporation may provide for the sale and mode of transfer of its stock; may levy and collect assessments on said shares according to law, and may fix the rate of water rent and alter the same at pleasure.

The directors shall be personally liable for any indebtedness of said corporation exceeding three-fourths of the capital stock actually paid in.

SEC. 4. The said corporation may take the water of the "Sugar Hollow" brook, so-called, and, for the purpose of increasing or regulating the supply of water in said brook, may, either alone or in conjunction with the proprietors of other water rights, erect a dam at the outlet of the "Sugar Hollow" pond, so-called, may dig up or open any street, common or highway, for the purpose of constructing or laying down or repairing such aqueduct or reservoirs, connected with the same; provided that the same is done in such manner as not to prevent their use for travel, and is completed in a reasonable time and in such a manner as not to disfigure or injure said street, common or highway.

SEC. 5. Said corporation may enter upon and use any lands through which it may be necessary for said aqueduct to pass on the most practicable route from where the water is taken, for the

purpose of constructing, maintaining and repairing the same, and may agree with the owner or owners thereof upon the amount of damages to be paid for such entry and use; and may also agree with any person or persons having an interest in said brook or pond for the use of the same. But in case of a disagreement, or if the 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 or in said brook or pond so used, may apply to the judges of the county court of the county of Rutland, by petition, who shall forthwith appoint three disinterested persons to view the premises and assess the damages sustained by the owner or owners of such lands, water or water rights, by the construction of such aqueduct, dam and their appurtenances; and said committee shall after having duly sworn to duly and faithfully perform their duties under their said appointments, examine the premises, appraise said damage and report made of the same to said county court 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 power to render such judgment and issue execution thereon as may be necessary to secure the rights of the party; but in the event of a disagreement as to said damages with any owner or person interested in said lands, brook or pond, it shall be competent for said corporation at any time before final judgment to tender to said owner or person, or to his attorney, or to pay into court such sum or sums of money as it may elect in satisfaction of such damages and the taxable costs of proceedings to the time of such tender or payment; and said court in rendering judgment shall allow such costs to either party as shall be just and equitable in view of any tender of such damages and costs at any time made by said corporation as aforesaid, and of all the circumstances of the case; and in case of awarding costs to said corporation, may issue execution of the same; 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 to said proceedings their costs, and may, through its clerk or otherwise, fix the taxable costs to be recovered therein. But this act shall not be construed so as to allow said corporation to enter upon, take, or use any lands until all claims of land-owners, and those interested in water rights, have been adjusted and paid, with all costs awarded.

SEC. 6. Any person who shall maliciously disturb or injure said dam, aqueduct, reservoirs, brook or pond, or any of the appurtenances thereof, or shall pollute the water of said aqueduct, reservoirs, brook or pond, shall be liable to be prosecuted therefor by the grand juror of said town, or the State's attorney of said county, 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 damages resulting to it by such disturbances, 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. 7. The said corporation shall have power to sue and be sued, to contract debts, borrow money and issue its bonds or obligations therefor, and for their security and payment mortgage its property, either real or personal, together with its franchise, which bonds or other obligations and mortgages shall be executed in such manner as said corporation shall by a by-law for that purpose direct; and any such mortgage shall be recorded at length in the town clerk's office in said town of Pittsford, and shall be binding on said company.

SEC. 8. Said corporation may have a corporate seal and alter the same at pleasure.

SEC. 9. This act shall be subject to the provisions of chapter one hundred fifty-two of the Revised Laws, entitled "of private corporations," and may be amended, altered or repealed, as the public good may require.

SEC. 10. This act shall take effect from its passage.

Approved August 27, 1891.

No. 9.—AN ACT TO INCORPORATE THE NORTH CRAFTSBURY WATER COMPANY.

SECTION.

1. Corporators: name; powers; for what purpose created.
2. By-laws, rules and regulations.
3. Capital stock, number and value of shares; liability of directors and stockholders.
4. Right to take water; occupation of lands for such purpose; liability for damages.

SECTION.

5. Corporate powers; damage to land owners; how determined.
6. Penalty for injury, etc.; how recovered.
7. First meeting; how, when and where to be called.
8. Subject to future legislation.
9. When to take effect.

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

SECTION 1. Such persons as shall hereafter become stockholders are hereby constituted a body corporate by the name of the North Craftsbury Water Company, with powers incidental to corporations and may hold real and personal estate not exceeding five thousand dollars in value for the purpose of constructing, completing and maintaining an aqueduct for the purpose of supplying the inhabitants of the village of North Craftsbury, in the town of Craftsbury, with water for domestic, fire and other purposes.

SEC. 2. Said corporation may, at its annual meeting and at any other meetings legally notified for that purpose, make, alter and