

L. H. Wilson Vermont Coll.

THE
ACTS AND RESOLVES
PASSED BY
THE GENERAL ASSEMBLY
OF THE
STATE OF VERMONT,
AT THE
OCTOBER SESSION,
1853.



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1853.

go into said pond for the purpose of bathing, or any other purpose, or shall catch any fish in said pond, or shall place any noxious, decayed or offensive animal, or vegetable substance into said pond, or shall place the same upon the bank of said pond, so that by any means said substance shall be drawn or washed into said pond, he or they shall forfeit and pay a fine not exceeding twenty dollars, nor less than two dollars, to be recovered, with costs of prosecution, in an action of debt, in the name of any person who shall prosecute the same before any court having competent jurisdiction of the same: *Provided*, that this act shall not be so construed as to deprive any owner of the land flowed by the waters of said pond, of his legal rights in and to the possession and use of the same.

Approved, November 21, 1853.

No. 103.—AN ACT TO INCORPORATE THE RUTLAND WATER COMPANY.

SECTION

1. Members, name, purpose and privileges of corporation.
2. First meeting. By-laws. Capital stock.
3. Powers of corporation.
4. Further powers, and certain conditions.
5. Company may enter upon lands, &c., and in certain cases may apply to county judges to appoint a

SECTION

- committee to examine and appraise damages, and report. Co. court to render judgment thereon.
6. Further powers of Corporation.
7. Inhabitants of Rutland, certain privileges of.
8. This act to be subject to future legislation, and to chapter 83 of the C. S.

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

SEC. 1. George T. Hodges, George W. Strong, Isaac McDaniels, E. Fosterbook, Josiah Huntoon, L. Daniels, W. H. B. Owen, P. Johnson, J. B. Page, F. Chaffee, O. L. Robbins, James Porter, Reuben R. Thrall, Robert Pierpoint and Charles B. Manser and their associates and successors, are hereby constituted a body corporate by the name of the Rutland Water Company, with the powers incident to corporations, and may hold real and personal estate not exceeding twenty-five thousand dollars in value, for the purpose of constructing and main-

taining an aqueduct to supply the inhabitants of the village of Rutland with pure water for domestic purposes.

SEC. 2. William H. B. Owen, George W. Strong, and I. Daniels, or either of them, may call the first meeting of the corporation, to be held at the court house in Rutland, at such time as they, or either of them, may appoint, at any time within three years from the passage of this act, by publishing a notice of said meeting in the Rutland County Herald, or such other newspaper as shall be printed in said Rutland, and posting notices in three public places in said village of Rutland, at least six days previous to said meeting; and the said corporation may, at such and all other meetings legally notified, make, alter and repeal, such by-laws, rules and regulations, as may be thought necessary, not repugnant to the laws of the State; and such corporation may divide their stock into as many shares, and 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.

SEC. 3. The said corporation is hereby empowered to take, occupy, and improve under a durable lease from, or such other agreement as they may make with, the Rutland aqueduct company, the present aqueduct right of way and other privileges and property of the said Rutland aqueduct company, for the purpose of supplying said village of Rutland with water; and also to take the waters of such fountains, springs, streams or water courses as they may purchase of the owners thereof for that purpose.

SEC. 4. The said corporation may dig up and open any street, common or highway in Rutland necessary for the purpose of constructing reservoirs, and laying said aqueduct, or for repairing the same, provided the same be done in such a manner as not to prevent their convenient use for travel, and be completed in a reasonable time, and so as not to disfigure said common or highway; and in all cases where said corporation shall lay or repair any of their pipes, in any inclosed lands, they shall leave the surface of said lands, as near as may be, in as good condition as it was before laying or repairing said pipes.

SEC. 5. The said corporation may enter upon and use any land and enclosure, through which it may be necessary for any new aqueduct or aqueducts laid by them, or for any alterations in the present aqueduct of the Rutland aqueduct company, or any branch or branches of said aqueduct or aqueducts, or alteration, to pass on the most practicable route or routes from the different sources where water is obtained to the different localities in said village of Rutland, to which said water is to be convey-

ed, for the purpose of placing, replacing or repairing, such reservoirs, and conduits or pipes, as may be necessary for constructing, completing, altering or repairing their aqueducts; and may agree with the owner or owners of said lands, for the use and occupation of the same; but in case of disagreement, or if the owner thereof be a minor, insane, 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 Rutland, by petition, who shall appoint forthwith three disinterested persons, to view the premises and assess the damages sustained by the owners or occupants of such lands by the construction of such aqueducts; and it shall be the duty of said committee to appraise said damages, on oath, and report the same to the county court for said county of Rutland, at its first session thereafter; and if their report shall be accepted by said court, said court shall render judgment thereon, with or without costs, as they judge equitable, and issue execution therefor; or in case of minors, insane, or other incapacitated person or absentees, make such order respecting the payment of said damages as they may deem proper.

SEC. 6. The said company shall have power to contract debts, borrow money, and issue their bonds, or other obligations therefor, and for their security and payment, mortgage the property, either real or personal, of said company, together with their franchise; which bonds, or other obligations and mortgages, shall be executed in such manner as said company 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 Rutland, and shall be binding on said company.

SEC. 7. The inhabitants of the village of Rutland may put hydrants into the pipes of the aqueduct of said company, and draw therefrom, free of expense, as much water as may be necessary, when any building shall be on fire in said village; and may likewise keep supplied from said aqueduct, free of charge, suitable reservoirs, to be used in case of fire: *Provided*, that such hydrants and reservoirs shall be so secured that water shall not be drawn therefrom except for the purpose of extinguishing fires.

SEC. 8. This act shall be subject to the provisions of chapter eighty-three of the compiled statutes, entitled "private corporations;" and may be altered, amended or repealed, as the public good shall require; and shall take effect from its passage.

Approved, November 21, 1853.