

THE

# Acts and Resolves

PASSED BY THE

# GENERAL ASSEMBLY

OF THE

# STATE OF VERMONT,

AT THE

OCTOBER SESSION,

1859.



PUBLISHED BY AUTHORITY.

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SEC. 4. 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 Brattleboro', and shall be binding on said company.

SEC. 5. 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of chapter eighty-three of the compiled statutes entitled "Private Corporations," and may be altered, amended or repealed, as the public good shall require, and shall take effect from its passage.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 4, 1859.

## No. 77.—AN ACT TO INCORPORATE THE ST. JOHNS- BURY AQUEDUCT COMPANY.

### SECTION

1. Corporators. Name and powers of corporation.
2. First meeting. By-laws. Capital stock.
3. Corporation may take waters of certain springs, &c.; may dig up streets, &c.; to lay down aqueduct, &c. Proviso.

### SECTION

4. May enter upon lands to lay pipes, &c. May agree for use of such lands. Corporation or owner may apply to county court. Proceedings and decision.
5. Power to contract debts, &c.
6. This act subject to general laws and to be under control of legislature.

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

SEC. 1. Erastus Fairbanks, Thaddeus Fairbanks, Horace Fairbanks and Franklin Fairbanks, and their associates and successors, are hereby constituted a body corporate, by the name of

the St. Johnsbury Aqueduct Company, with the powers incident to corporations, and may hold real and personal estate not exceeding twenty thousand dollars in value, for the purpose of constructing and maintaining an aqueduct to supply the inhabitants of the village of St. Johnsbury with water for domestic and other purposes.

SEC. 2. The first meeting of said corporation may be called by either of the persons above named, at any time within one year from the passage of this act, by giving personal notice of the time and place to all the rest, 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 may take the waters of such fountains and springs as they may purchase of the owners for that purpose, and may dig up or open any street, common or highway, or occupy any public bridge, for the purpose of constructing and laying down or repairing such aqueduct or reservoirs connected with 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 or injure said common, highway or bridge ; and in all cases where said corporation shall lay or repair any of their pipes in any enclosed land, they shall pay all damage done to crops thereon, and 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. 4. The said corporation may enter upon and use any

land and inclosure through which it may be necessary for said aqueduct to pass, on the most practicable route from whence its waters may be taken, for the purpose of placing such reservoirs and pipes as may be necessary for constructing, completing and repairing said aqueduct, and may agree with the owner or owners thereof for the use of the same ; but in case of 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, may apply to the judges of the county court for the county of Caledonia, by petition, who shall appoint forthwith three disinterested persons to view the premises, and assess the damages sustained by the owners or occupiers of such lands by the construction of said aqueduct ; and said committee shall appraise said damages, on oaths, and report the same to the county court for the county of Caledonia at its first session thereafter ; and if their report shall be accepted by said court, said court shall render judgment thereon, and may issue execution therefor with costs.

SEC. 5. Said company shall have power to contract debts, borrow money, and issue their bonds or other obligation 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 St. Johnsbury, and shall be binding on said company.

SEC. 6. This act shall be subject to the provisions of chapter eighty-three of the compiled statutes, entitled "of private corporations," and may be altered, amended or repealed, as the public good may require ; and shall take effect from its passage.

Approved November 21, 1859.