

# ACTS AND RESOLVES

PASSED BY THE

## GENERAL ASSEMBLY

OF THE

# State of Vermont

AT THE

## SEVENTEENTH BIENNIAL SESSION, 1902.

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**PUBLISHED BY AUTHORITY.**

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*KW G. W. H.*

No. 206.—AN ACT IN ADDITION TO AN ACT INCORPORATING THE PEOPLES' GAS LIGHT COMPANY OF RUTLAND, APPROVED MARCH 26, 1867.

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

SECTION 1. The People's Gas Light Company of Rutland, may acquire, by lease or purchase, subscription to or purchase of its capital stock or otherwise, and use and operate the works, property, rights and franchises of any company or companies incorporated for the purpose of developing, generating or supplying in Vermont electrical or other power, light, heat or gas for any purpose; and such other company or companies, the holders of two-thirds of its outstanding stock consenting thereto are hereby authorized to transfer their works, property, rights and franchises to said People's Gas Light Company of Rutland as aforesaid. The said People's Gas Light Company of Rutland, the holders of two-thirds of its outstanding stock consenting thereto, may sell and transfer its works, property, rights and franchises to, or may unite and consolidate with, such other company or companies under such name and upon such terms and with such an amount of capital stock not exceeding the aggregate capital stock of the companies so consolidated, as may be agreed upon between them, and the said consolidated company shall thereupon be invested with all the powers, franchises, rights, privileges and immunities of the companies so consolidated, and subject to all the duties and obligations of the same at the time of said consolidation.

SEC. 2. This act shall take effect from its passage, and shall at all times be under the control of the legislature to alter, amend or repeal as the public good may require.

Approved December 11, 1902.

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No. 207.—AN ACT TO INCORPORATE THE SPRINGFIELD WATER COMPANY.

Section.

1. Incorporators: powers and privileges.
2. First meeting: by-laws.
3. May hold property of \$100,000 value.
4. Powers of corporation.
5. Statement of lands taken filed in town clerk's office.

Section.

6. Windsor county court on petition shall assess damages: commissioners to hear facts.
7. Mortgage of property.
8. Books for stock subscriptions.
9. Directors: officers.
10. Springfield village may contract with company for water supply.
12. Takes effect Dec. 2, 1902.

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

SECTION 1. W. D. Woolson, W. H. Cobb, W. W. Brown, F. W. Stiles, George F. Leland, Fred L. Howe, H. H. Blanchard, George Goodhue and Loring N. Farnum, their associates and successors are hereby constituted a body corporate by the name of the Springfield Water Company, for the purpose of furnishing the village of Springfield, and the inhabitants thereof with water for the extinguishment of fires, and for domestic, sanitary and other purposes; in that name may sue and be sued, and to have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force regulating such corporation.

SEC. 2. Any three of said corporators may call the first meeting of the corporation, to be held in the village of Springfield at such time and place as they shall appoint by publishing a notice thereof in the Springfield Reporter at least seven days prior to said meeting, for the purpose of choosing such officers as may be deemed necessary; and said corporation, at any meeting legally warned, may make, alter and repeal such by-laws, rules and regulations as may be deemed necessary, not repugnant to the laws of this state, and may fix the amount of their capital stock, divide the same into shares and provide for the sale and transfer of the same, may levy and collect assessments thereon according to law, and may increase the shares from time to time to an amount sufficient to carry into effect the object of this act, and may fix the rate of rents and collect said water rents when necessary.

SEC. 3. Said corporation may hold real and personal property not exceeding one hundred thousand dollars in value.

SEC. 4. Said corporation may, for the purposes set forth in this act, take by purchase, or otherwise, and hold and convey water rights and waters from any spring or springs, ponds, brook or streams, within the said town of Springfield, and they may also take by purchase or otherwise all the lands, rights of way, and easements necessary for the holding and preserving of such water, and for conveying of the same to any part of said town or village, and may erect or cause to be erected on the lands thus taken or held proper dams, or buildings, fixtures, and other structures and provide such other means and appliances as may be necessary for the establishment and maintenance of complete and effective water works; and may construct and lay down conduits, pipes and other works, under and over any land, water courses, railroad, and other public and private ways, and along any such ways in such manner as not to unnecessarily obstruct the same, and for the purpose of constructing and maintaining and keeping in repair such conduits, pipes, and other works, and

for all proper purposes of this act said corporation may dig up any such lands, and, under the direction of the board of selectmen of said Springfield, and the trustees of said village, in which such ways are situated, may enter upon and dig up such ways in such manner as to cause the least hindrance to public travel on such ways.

But said corporation shall not take otherwise than by purchase, springs or spring water or aqueducts or conduits or water systems which are now used or required for furnishing water for domestic purposes.

SEC. 5. Said corporation shall within sixty days after the taking of any lands, rights of way, water rights, water sources or easements, as aforesaid, other than by purchase, file, and cause to be recorded in the town clerk's office of said Springfield, a description thereof sufficiently accurate for identification, with a statement of the purposes for which the same were taken, and the amount of damages awarded or tendered for such taking, signed by the president of said corporation.

SEC. 6. Said corporation, before entering upon any lands or taking any springs, waters, water rights, rights of way, or easements, as aforesaid, otherwise than by purchase or agreement with the owner or owners thereof, shall apply by petition to the Windsor county court, or to the assistant judges of said court for an assessment or award of damages for such proposed entry or taking, which said petition, with a notice of the time and place of hearing thereon by said court or judges, shall be served upon the owner or owners of said lands, springs, waters, water rights, rights of way, or easements, by copy, at least six days before the time set for hearing. And the said court or judges shall appoint three disinterested commissioners to view the premises, to decide upon the necessity and propriety of taking said lands, springs, waters, water rights, rights of way, or easements, and assess the damages, who shall give notice to the parties of the time when they will make their investigation and the time and place when and where they will hear the parties; and on the report of said commissioners, the court or judges shall take such action as they may deem proper; and if the tribunal applied to is the said court, judgment shall be rendered on the report, and the execution shall be issued in the usual way for any damages or costs that may be awarded by the court. But if application is made to the assistant judges of the county court, as aforesaid, their approval of and decision upon, the report of commissioners shall be made to Windsor county court which shall have the same power as when the commissioners were appointed by the judges. But this act shall not be construed so as to allow said corporation to enter upon or take any lands, springs, waters, water rights,

rights of way, or easements, otherwise than by purchase or agreement, until all damages and costs are ascertained, and paid or tendered.

SEC. 7. Said corporation may at any time issue bonds and secure them by mortgage on its franchise and other property to an amount not to exceed two-thirds of its capital stock.

SEC. 8. The persons named in the first section of this act, or a major part of them, may open books to receive subscriptions for the capital stock of said corporation at such times and places as they or a majority of them shall direct, and shall give such notice of the times and places of opening such books as they may deem reasonable, and shall receive such subscriptions under such regulations as they may adopt for the purpose.

SEC. 9. The government and direction of said corporation shall be vested in a board of not less than three nor more than seven directors, who shall be chosen by the stockholders of said corporation, each share being entitled to one vote, and a majority of such directors shall constitute a quorum; said directors shall hold their offices for the term of one year or until their successors are duly elected; and the directors shall elect one of their number to be president of their board, who shall also be president of said corporation; they shall also elect a secretary and treasurer, which treasurer shall give bonds with surety to the satisfaction of said corporation for the faithful discharge of his trust.

SEC. 10. No person shall be eligible to the office of director who is not a stockholder of said corporation.

SEC. 11. The village of Springfield, by vote thereof and acting through its proper officers or agents, may contract with said Springfield Water Company for water for fire protection, public drinking troughs, or other uses, or by agreement with said water company may purchase the franchise, together with all property, real and personal, that may be legally possessed by said company, and if the said company and Springfield village cannot agree upon the price to be paid for the said franchise and property application may be made to the Windsor county court and three disinterested commissioners shall be appointed to determine the matter and the proceedings of such persons so appointed and all other procedure for the determining of such matter shall be the same as provided in section six of this act.

SEC. 12. 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 December 2, 1902.