

ACTS AND RESOLVES

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF VERMONT

AT THE

EIGHTEENTH BIENNIAL SESSION

1904

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after the proceedings of said trustees and a description of the property taken is filed in the office of the clerk of the town or of the village as required by this act, apply by petition in writing to the Rutland county court in the manner provided in the case of laying out, altering or resurveying highways by selectmen; and thereupon the same proceedings shall be had as in such cases, and such application to the county court shall stay the taking of such lands, springs, streams or water sources until the decision of the court.

SEC. 3. Sections 26 and 27 of said act are hereby extended so as to apply also to that portion of the town of Chittenden which forms the water shed of Furnace Brook above the point where it flows out of said town.

SEC. 4. This act shall take effect from its passage.

Approved December 8, 1904.

No. 243.—AN ACT TO AMEND AN ACT CONCERNING SPRINGFIELD VILLAGE APPROVED DEC. 11th, 1902, AND ALL ACTS OF WHICH THAT ACT IS AMENDATORY.

Section.	Section.
1. Boundaries.	22. Report of trustees.
2. Annual meeting, special meetings.	23. Appropriations.
3. Voters.	24. Payment of orders.
4. Officers.	25. Water commissioners.
5. President.	26. Powers in taking waters for public use.
6. Clerk.	27. Taking of lands and digging up streets.
7. Treasurer and collector.	28. Petition to county court by dissatisfied person.
8. Auditors.	29. Sale of water by village.
9. Chief engineer.	30. Injury to water supply.
10. Duties of chief engineer.	31. Highway district.
11. Assistant engineers.	32. By-laws.
12. Trustees.	33. Change of by-laws.
13. Abatement of taxes.	34. Record of by-laws.
14. Police officers.	35. Penalty for breach of by-laws.
15. Sewers.	36. Issue of bonds not exceeding \$15,000, on vote.
16. Board of health.	37. Repeals.
17. Trustees and health officer board of health.	38. Takes effect from passage.
18. Powers of board.	
19. Violations of orders of board.	
20. Abatement of nuisance.	
21. Streets.	

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

SECTION 1. All that part of the town of Springfield in Windsor county, the boundaries of which are as follows:

Commencing at a stone post set on the southwest bank of Black River, about twenty rods above the bulkhead of the upper dam, thence up along the south bank of said river about thirty-

six and one-half rods to an iron pin in the shore point of rocks northwesterly of Henry Morgan's house, thence westerly to a stone post on the west side of road leading to fair ground north from the Chester road, and twenty rods distant from said Chester road, thence on said last described line continued to Slab City brook; thence southerly up said brook to a point on ledge marked by an iron pin; thence south four degrees west to northerly side of Chester road, three rods, fifteen links; thence in same line across the Chester road to the northwest corner of the Henry Whitcomb place; thence along the west line of said Whitcomb place about forty rods to the southwest corner of the same, thence along on the northerly side of the road leading to John Nourse place north seventy-two degrees, east about thirty-eight rods; thence across said road and easterly along the southerly line of Carrie M. Howe's house lot south eighty-two and one-fourth degrees east about fourteen rods to land owned by Ellen Weston; thence southerly by the west line of the said Ellen Weston's land south eleven degrees west about nineteen rods to the southwest corner thereof; thence easterly along the south line of the said Ellen Weston's land south sixty degrees, east sixteen rods to land owned by said Ellen Weston; thence south twenty-seven degrees, west twenty rods along the westerly line of said Ellen Weston's land, to land owned by Charlotte Gilson; thence along the northerly line of said Gilson's orchard south sixty-eight degrees, east fourteen rods; thence along the wall on east side of said Gilson's orchard south three and three-fourth degrees east to land of Charlotte Miller; thence along said Miller's north line north eighty and seven-eighths degrees, east thirty-three rods; thence south fifteen and one-eighth degrees, east along the west line of lots belonging to James H. Goldsmith and Charlotte F. Miller, and through land of said Miller, Richard Longworth, and along west line of lands of Jehial Putnam, Emily A. Fisher and Joseph Wells sixty-two rods to the southeast corner of the Fred B. Hoag place; thence south ten degrees, east twenty-one rods to a stone post on the north side of road leading to place owned by William Craigue; thence said highway south forty-eight and three-fourths degrees, east about ninety-five rods, across lands of Frank Zuill, Henry F. Howe, Marion Rollins and Quincy Damon to a stone gate post near the corner of highway and on a driveway leading to the Frank Tolliver

place; thence along wall dividing field and pasture of Fred C. Davis fifty rods and eighteen links to a point where a short piece of cross wall in pasture intersects; thence south fifty-seven and one-half degrees east twenty-seven rods across said Davis' field to northwest corner of Herbert Perry's land; thence along west line of said Perry's and Julia Hopkins' lots, south sixteen degrees, west eighteen rods to John R. Hall's northwest corner; thence south eighty-four and three-eighths degrees, east twenty-six and one-half rods along said Julia Hopkins' south line to her southeast corner on the highway, across said highway to a stone post; thence due north thirteen rods along east side of road leading to Scrabble; thence seventy-three and one-half degrees, east sixty and one-half rods along said Hall's extreme north line to said Hall's northeast corner; thence along C. H. Forbush's west line south three and one-eighth degrees, west twenty-three and one-half rods to said Forbush's southwest corner; thence south seventy-eight and one-half degrees, east nine rods and fifteen links along said Forbush's south line to Herbert Rollins' northwest corner; thence along said Rollins' west line, and the west line of B. F. Partridge's and Jacob Litchfield's land, south sixteen and one-half degrees, west seventy-eight rods to John R. Hall's southeast corner, and being also corner of his wood lot; thence due east thirty-five rods across highway leading to Charlestown to the west bank of Black River, at a stone post about four feet north of a small elm tree, blazed; thence up the west bank of said river about one hundred and eighty rods to a clump of elm trees on the south side of Black River near a point of land extending into the river where the river bends; thence across Black River diagonally to an iron pin driven into stone ledge, at stone quarry owned by George W. Bates and on north side of Black River, known as Safford's Rocks; thence north thirty-seven degrees, east across lands of George W. Bates and Royal L. Lovell, to a point in center of highway leading to Spencer Hollow about two hundred feet southerly from house lot of Charles A. Woolson on east side of said road; thence due east at right angles to highway one hundred and twenty-five feet to a stone post; thence northerly from said stone post on a line parallel with said highway and one hundred and twenty-five feet easterly from the center thereof about sixty-one rods to the fence

between Charles W. Johnson, and pasture of R. L. Lovell; thence northerly along said Johnson's east line to his northeast corner, and land of Adna Brown estate twenty-one rods; thence north fifty-one and one-half degrees, west across land of said estate to a point on the northerly side of the road leading to J. L. Woodbury's home, which is the southeast corner of land of Albert Stickney, and southwest corner of lands of Ellen A. Taylor; thence northerly along division line between said Stickney and said Ellen A. Taylor to said Stickney's northeast corner adjoining land of Caroline E. Kenney; thence westerly along said Caroline E. Kenney's south line to and across highway leading to house of William D. Whitcomb, and to a stone post in the side of said highway; thence northerly along west line of said highway about seven rods to Oscar Weston's northeast corner; thence north sixty-eight degrees, west on line between said Oscar Weston and Caroline E. Kenney, and across land of James Hartness twenty-eight rods and twenty-one links to line projected southerly of wall on west side of land of said Hartness; thence north nineteen degrees east along said wall to line wall of land lately owned by Adna Brown said point being Caroline E. Kenney's northwest corner; thence north seventy-five degrees, fifteen minutes, west across highway leading to Weathersfield Center at a point on said highway twenty-five rods and twenty links measured northerly on said road from present corporation limit on said road, said point of crossing being marked by a stone post and near the northeast corner of land of E. W. Spaulding, until said line intersects land line between J. S. Balch and L. J. Ellis at the top of the bluff; thence southerly twenty-three rods and nineteen links on line between land of L. S. Ellis and J. S. Balch to the east end of wall between said Ellis' pasture and tillage land near the top of the bluff; thence southerly along the east line of said Ellis' field to his southeast corner adjoining land of W. F. Gilman forty-nine rods and four links; thence from said Ellis' southeast corner westerly on line wall between said Gilman and said Ellis, thirty-three rods and fifteen links to the east side of highway leading northerly to house of L. J. Ellis; thence north along east line of said highway five rods and six links to a point therein where the north line of Aurelia K. Townsend's land projected easterly would intersect; thence

westerly across highway and along north line of said Aurelia K. Townsend and estate of F. B. Gilman's house lots, fourteen rods and seven links, to said Gilman's estate northwest corner, and adjoining land of said L. J. Ellis; thence north fifty-seven degrees fifteen minutes west across land of said Ellis and Antoine Chevalier about eighty rods to a stone post set in said Chevalier's north line adjoining John C. Eaton's pasture, and distant on said line westerly from said Chevalier's northwest corner, eleven rods and eighteen links; thence westerly along said Chevalier's north line about fourteen rods across highway leading to North Springfield, to east bank of Black river; thence diagonally across said river to place of beginning, shall hereafter be known by the name of Springfield Village, and by that name may have perpetual succession, may sue and be sued, may have a common seal, and the same alter at pleasure, and shall be capable of purchasing, holding and conveying personal and real estate for the use or benefit of said village and may at any annual or special meeting, warned for that purpose, as herein provided, lay a tax upon the polls of the inhabitants of said village and the ratable estate within the same, whether of residents or non-residents, for any of the purposes herein mentioned, and the president and trustees shall make out a rate-bill accordingly and deliver the same to the collector, who shall have the same power to collect such tax as the collector of town taxes, and may in like manner levy on and sell property to satisfy the same, and for want thereof may commit any person to jail against whom he has such tax, and it shall hereafter be the duty of the listers of Springfield in making the list of said town to designate therein such of the ratable estate thereof as shall be within the limits of said village, and also the poll of such persons as herein reside.

Said corporation at a legal meeting duly warned and holden for that purpose, may alter the boundary lines of said village with the written consent of the person or persons whose residence or property will be included or excluded thereby; such alteration and written consent, together with the vote of said corporation, being first recorded in the office of the town clerk of said Springfield, and in the office of the clerk of said village.

VILLAGE MEETING.

SEC. 2. The annual meeting of said village shall be holden on the second Tuesday of April in each year, at such place within said village, and at such hour as may be named in the warning therefor, for the purpose of transacting the business specified in the warning, which warning shall be signed by the clerk, or in his absence, by a majority of the trustees, and shall be posted up in at least three public places within the limits of said village not less than six, nor more than ten days before the time of the holding of said meeting. If there be a newspaper published in said town, notice of said meeting shall also be published therein, at least one day before said meeting.

Special meetings shall be called in like manner to fill vacancies that may occur in any of the elective offices hereinafter named, or for the transaction of any other business proper to be transacted at a special meeting. Special meetings shall be called as aforesaid if a request in writing, setting forth the business to be done, is presented to the trustees and signed by not less than ten of the legal voters of said village.

VOTERS.

SEC. 3. Every person who resides within the limits of said village on the first day of April next preceding the annual meeting of said village, and is a legal voter in town meeting of the town of Springfield shall be entitled to vote in any village meeting.

SEC. 4. At the annual meeting held next after the passage of this act, and annually thereafter, unless otherwise herein provided, there shall be elected by ballot if called for, a president, a clerk, a chief engineer, a treasurer, a collector, three auditors, three trustees and three water commissioners; but the water commissioner first elected shall hold office for one year, the second for two years, and the third for three years, and annually thereafter one water commissioner shall be elected for three years.

The trustees may be elected for terms of one, two and three years each if the village so vote. At the annual meeting held next after a vote of the village to elect trustees for one, two and three year terms respectively, and annually thereafter there shall be elected one trustee for the term of three

years. No trustee hereafter elected shall be a water commissioner; but until the next annual meeting the trustees of said village may act as water commissioners.

PRESIDENT.

SEC. 5. It shall be the duty of the president to preside at all meetings of the village, and he shall have the same power as the moderator of the town meeting. If the president is absent a president pro tem may be elected by the village. By virtue of his office the president shall be a member of the board of trustees and president thereof. In case the vote of the board is not unanimous upon any question the president may vote if requested by the trustee voting in the minority; otherwise the president shall have no vote as trustee. In his absence from a meeting of the board, the trustee eldest in office may preside.

SEC. 6. It shall be the duty of the clerk to keep a record of all proceedings of said corporation and of the meetings of the board of trustees, and he shall give copies of the same when required, upon payment of reasonable fees.

SEC. 7. The treasurer and collector shall have similar powers and duties to those of town treasurers and town collectors. They shall each give bonds to the village, conditional to the faithful performance of the duties of their office, in such sums and with such sureties as the trustees may prescribe. If a treasurer or collector does not give such bonds within ten days after his election or appointment, his office shall be vacant.

SEC. 8. The auditors shall, previous to each annual village meeting, examine and adjust the accounts of village officers, and report the accounts so adjusted with the items thereof, and also the state of the treasury, to the village at its annual meeting. The auditors shall cause their reports to be printed at the expense of the village and circulated among the tax-payers thereof, at least five days before said meeting.

SEC. 9. The chief engineer shall have power at times of fire to suppress tumults and riots by force, if necessary, to direct the labor of all persons present during the continuance of such fires, to remove all effects endangered by such fires, and protect the same from waste and depredation; to pull down or remove any house or store or other buildings where

he may deem it necessary, to prevent the spreading of fires, for which he nor his assistants shall not be held responsible; and to require of the inhabitants of said village their aid and assistance for the several purposes as aforesaid; and said engineer and his assistants may inspect the manner of manufacturing and keeping gunpowder, lime, ashes, matches, lights, fireworks of all kinds, and other combustibles, and the construction and repairing of fireplaces, stoves and chimneys, in said village, and a majority of said engineers may, if they deem the same dangerous, order the persons manufacturing such gunpowder, lime, ashes, lights, matches, fireworks or other combustibles, in what manner to manufacture and keep the same; and every person neglecting to obey such orders shall pay a fine not exceeding twenty dollars, to go to the treasury of the village.

SEC. 10. The engines, hose, hooks and ladders, and buildings for storing and preserving the same, together with the water cisterns, fire pumps, engine and hook and ladder companies, shall be under the particular charge, superintendence and control of the chief engineer, who shall at each annual meeting make a report in writing of the condition of his said department. Provided however, that the trustees of said village shall have the especial charge and direction of all repairs necessary to be made, and recommended by the chief engineer, to any of the buildings, engines, hose, ladders and hooks, fire pumps, and water cisterns, and no moneys shall be appropriated or paid by said corporation for any of the purposes aforesaid unless said repairs shall have been made by and with the consent and direction of said trustees, or a majority of them, and in no case shall the engine and fire department apparatus be taken from the village limits for the purpose of attending fireman's parade.

SEC. 11. The chief engineer shall annually by and with the advice and consent of the board of trustees appoint a first and second assistant who in the absence of the chief engineer shall execute the duties of the office in order of their rank.

VILLAGE TRUSTEES.

SEC. 12. The board of trustees shall have the general care and management of the prudential interests and affairs of said village; shall assess all taxes and make out a rate bill accordingly; shall direct the expenditure of all moneys be-

longing to said village except appropriations for and income from the water system and interest on water bonds when issued. Said board may draw orders upon the treasurer, and generally perform all the duties enjoined upon them by said corporation, and shall submit their accounts and vouchers to the auditors at least twenty-five days before the annual meeting of each year. The trustees may fill all vacancies in all village offices, and all persons so appointed shall serve for the unexpired term unless superseded. All power vested in said trustees may be exercised by a majority of them.

ABATEMENT OF TAXES.

SEC. 13. The trustees, justices and listers, residing within the limits of Springfield village are hereby constituted a board for the abatement of taxes assessed by virtue of this act; and in reference thereto their powers shall be the same as those conferred upon boards of civil authority in towns in like cases, and they shall give like notice.

SEC. 14. The trustees shall have power to appoint police officers not exceeding five in number, except on public occasions, when they may appoint such number of special police for that occasion as they may think necessary, by writing under their hands, who shall be qualified by taking the oath of office, and causing their said appointments to be recorded by the clerk of said corporation; but such appointment may be revoked by a majority of said trustees, in their discretion, which revocation shall also be in writing, and be recorded by said clerk; such police officers shall, by virtue of said appointment, be informing officers, constables and conservators of the peace within said village, or upon lands of the village, and may serve any criminal process throughout the county of Windsor returnable within said village or to the county court at Woodstock; and they may also commit any person convicted of a violation of this act, or any by-law or ordinance thereof, or of any law of the state, upon mittimus, to the common jail in Windsor county, or to the house of correction; and they shall be proper officers in justice criminal courts held within said village, with full power to empanel, draw and summon jurors before such justice courts; and a justice holding a justice court shall, in his discretion, designate some one of said police officers to act as officer of such court, who shall

receive the same fees for his services as constables. And such police officers, for serving all such criminal processes as afore-said, shall be entitled to receive therefor, the same fees as constables would be entitled to receive for the same services. Such police officers shall, upon view of any violation of this act, the provisions thereof, or of any by-law, ordinance or rule of said corporation, or the laws of the state within the limits of the town of Springfield, or upon lands of said village, arrest the offender forthwith, and, without warrant for that purpose forthwith, convey such offender before any justice of the peace to answer complaint therefor, and may make complaint, on oath, in the name of said corporation, against such offender; and upon the trial of such complaint shall be a competent witness. For such arrest, and the services connected therewith, such police officers shall receive the fees which sheriffs or constables are entitled to for similar services. Said police shall, upon such arrest, forthwith notify some justice of the peace, who shall have said offender brought before him at once, unless there is some good and valid reason for not doing so; and said officer shall be entitled to one dollar for every twelve hours he shall have said offender in custody, and the same, provided for a shorter time, to be taxed as costs against said offender. Said police officer shall have the same right to demand assistance from any person or persons which sheriffs and constables now have, and any person refusing to assist such police officer shall be subject to the same fines and penalties as are now provided by law for refusing to assist a sheriff or constable in making an arrest.

If the said informing officers, or any one of them, neglect or refuse to arrest any person guilty of violating any provisions of this act, or of the by-laws of said village, relating to gaming, public or private nuisances, immoderate riding or driving in the streets, cruelty to animals, playing of ball, firing of rockets, squibs, firecrackers, or disturbing the peace in other ways, shall be fined not less than five dollars or more than twenty dollars, one-half of said fine to go to the complainant, and the other half to said village.

SEWERS.

SEC. 15. Whenever the public health or convenience shall require the construction of a common sewer, or sewers

in Springfield village, said village through its trustees, upon vote of said village, is hereby authorized and empowered to so construct said sewers, and to repair the same from time to time when necessary, and for that purpose may take the necessary land of individuals and corporations on making compensation for the land so taken; and the trustees of said village shall proceed in the same manner as is prescribed by law for selectmen in taking lands for public highways and for awarding damage therefor, and any person owning or interested in land so taken shall have the same right of appeal, both upon the question of necessity and damages, as is allowed in case of the taking of land by the selectmen for highway purposes; and the said trustees shall make a return of their doings to the office of the clerk of said village who shall record the same in the records of said village; and said village may also lay pipes along and across the streets, alleys, lanes and highways of said village and town. Said village may, upon vote, through its trustees collect a rental for the use of said sewers constructed by the village.

BOARD OF HEALTH.

SEC. 1. Said board may require that any hotel, dwelling house, or other building shall be connected with the public sewer should there be any whereon said property is located; and shall give written notice to the owner of said property of such order; and in case said owner neglects or refuses to comply with such order within thirty days he shall be fined not less than ten, nor more than twenty dollars.

SEC. 17. The trustees of the village of Springfield, together with the health officer of the village appointed by the state board of health, shall constitute the board of health of said village, provided that if said state board does not appoint a health officer of the village then the said trustees shall appoint a physician of said village as health officer thereof and a member of said board of health. Such board of health shall make such regulations as they may judge necessary respecting the suppression, abatement and removal of sources of filth and causes of sickness, and shall cause such regulations to be published from time to time in the village newspapers.

SEC. 18. Said board, or a majority thereof, upon application of any citizen, shall forthwith examine into nuisances,

sources of filth and causes of sickness in said village, and make such order to destroy, remove or prevent the same, as the case may require, and when found on private property, shall in writing, order the owner or occupant thereof at his own expense, to remove the same and if such owner or occupant thereof does not remove the same within twenty-four hours after being ordered, he shall be fined not less than ten dollars, or more than twenty dollars, the penalty to go to the treasury of the village of Springfield. Said board shall receive one dollar each for every examination so made; and if said board of health on being notified of any nuisance—or any one of them—shall not within two days examine said nuisance, they shall be fined not less than five dollars, nor more than twenty dollars, together with all costs.

SEC. 19. A person who violates a regulation made by the board of health, shall be fined not less than ten dollars or more than twenty dollars, the penalty to go to treasury of the village, and a person so violating shall be subject to the same penalty for each day's continued violation.

SEC. 20. If said owner or occupant does not comply with the order of the said board, the board may cause such nuisance, source of filth or cause of sickness to be removed, and may recover the expense of such removal with costs, of said owner or occupant, or other person causing or permitting the same, in an action of debt brought in the name of the board, for the benefit of said village.

LAYING OUT STREETS.

SEC. 21. The trustees may lay out, alter, maintain and discontinue any street, walk or lane in said village in accordance with and subject to the provisions of the general law in governing selectmen in like cases.

SEC. 22. The trustees shall between the first and fifteenth day of March in each year make a report in writing detailing the expenditures of money and work done under their direction. Their report shall also contain a true statement of all outstanding liabilities of the village incurred by them together with a reference to the authority under which they have acted in the premises. As a part of the said report they shall annually inform the village as to its immediate needs, with such recommendations as in their judgment shall seem proper. Said report shall be published with the auditor's

report as herein provided. The first article in the warning for the annual village meeting shall refer to said report, and the reports of all officers that action may be had thereon at said meeting.

SEC. 23. Appropriations shall be made by a vote of a majority of the legal voters present and voting in a legally warned village meeting. The motion to take any appropriation whatever shall be submitted in writing, and shall express the purpose for which the appropriation is moved and the amount thereof. A general sum may be appropriated however, out of which may be paid the estimated ordinary current expenses of the village including necessary repairs to the village property, sewers and sidewalks. Otherwise the appropriation shall be specified. But village officers shall receive only such compensations as the village votes.

SEC. 24. Every order payable by the trustees shall state on the face thereof the purpose for which it is drawn, and the appropriation to which it is chargeable when paid or accepted, and no order shall be drawn, paid or accepted by any of the officers of said village except for the amounts the total of which shall not exceed the appropriation made as aforesaid, except in liquidation of obligations enjoined upon the village by law; and no money shall be paid out of the treasury for any purpose except upon an order so drawn by the trustees or water commissioners, or for interest on water bonds when issued.

Every person who knowingly violates the provisions of this section as to appropriations made after the passage of this act shall forfeit to the village a sum which shall be double the amount of the orders so drawn, paid or accepted, which sum shall be recovered in an action on the case founded on this statute, brought in the name of the village against each person under the direction of the president; said action to be brought within one year from the end of the fiscal year in which the offense is committed.

WATER COMMISSIONERS.

SEC. 25. The board of water commissioners under the vote and direction of said village may make and adopt such rules and regulations concerning the management and use

of said water system, reservoirs, lands and appurtenances, not inconsistent with law, as it may deem expedient, including the fixing and collecting of water rates.

SEC. 26. Said village is hereby authorized and empowered under any vote hereafter had for that purpose, through said water commissioners, to take, in addition to the water rights and appurtenances thereof already owned or acquired by said village, the waters of any fountain, springs, ponds, or streams for the purpose of affording said village or any of the inhabitants of the town of Springfield a supply of water for fire, domestic and other purposes, and may acquire the same by purchase or by right of eminent domain, and in like manner may take and hold such real estate as may be necessary for preventing the pollution of the water supply of said village. Provided that said village shall not take water, nor a supply thereof, so as to deprive an owner of water of an amount sufficient for his domestic and agricultural uses, without such owner's consent.

SEC. 27. The said village is hereby authorized and empowered through said water commissioners to maintain its present aqueduct and reservoir to conduct the water thereof to and distribute the same through said village, and for this purpose may enter upon and use any land through or over which it may be necessary for said aqueduct to pass, and may thereon lay and construct such pipes, reservoirs and appurtenances as may be necessary for its complete construction and repairing of the same; and may also for the purposes 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.

SEC. 28. When any person shall be dissatisfied with the award of the commissioners as made in any of the cases mentioned in the two preceding sections, or if he disputes the necessity of taking of any lands or streams for the purposes mentioned in said section such person may petition the Windsor county court for an inquiry into such necessity or a re-assessment and award of damages, and such proceedings shall be had in said court on said petition as are provided by law, in the case of an appeal from the action of selectmen in taking lands for highway purposes, except that the commissioners so appointed by said court shall notify

one of the water commissioners instead of one of the selectmen. Said petition shall be served on the clerk within thirty days next after said award shall be filed in the town clerk's office as aforesaid, and at least twelve days before the term of court to which it is made returnable, but nothing in said proceedings shall prevent the water commissioners from entering upon such land and using said water after the award shall have been made as herein set forth and the amount thereof tendered by them, if the petition mentioned in this section is for a re-assessment and award of damages only.

SEC. 29. Said village may sell and furnish water to any person or corporation for domestic or other purposes, except power for manufacturing and mechanical purposes, within or without said village, and lay all pipes necessary to furnish water to all such persons.

SEC. 30. Any person who shall maliciously disturb or injure said aqueduct, reservoir, springs, streams, ponds or fountains, or any of the connecting appurtenances, or works thereof, or pollute the water of said aqueduct, reservoir, springs, streams, or fountains, named or referred to in this act, or swim or bathe in the waters of said reservoir, springs, streams, or fountains supplying said reservoir, shall be liable to be prosecuted therefor by the grand juror of the town or the state's attorney of the county wherein such offense is committed by information, complaint or indictment, and on conviction thereof shall be fined not less than five dollars nor more than one hundred dollars and costs of prosecution, and shall be liable to said village for all damage resulting to it by such disturbance, injury or pollution, with full costs, the same to be recovered by said village in an action on the case founded on this statute.

HIGHWAY DISTRICT.

SEC. 31. All the territory embraced within the limits of said village is hereby constituted a highway district of the town of Springfield, and all the highway taxes voted in town meeting or which the law requires to be raised for highway purposes that shall be assessed upon that part of the grand list of said town, within the limits of said village, shall be paid in money, and the trustees shall make out a tax bill therefor and deliver the same for collection to the officer

authorized to collect it, and the same shall be collected as other taxes of said village are collected. One fourth of said highway tax when collected shall be paid over to the treasurer of the town of Springfield, for highway purposes and the balance, together with any highway tax voted by said village, shall be retained, laid out and expended in building and repairing streets and sidewalks in said village.

SEC. 32. Said village shall have power to make, establish, amend, or repeal ordinances, regulations, and by-laws not repugnant to the constitution or laws of this state or of the United States, for the following purposes:—

1st. To establish and regulate a market.

2d. To suppress and restrain disorderly and gaming houses, billiard and pool tables, and all descriptions of gaming and for the destruction of all instruments and devices used for that purpose.

3d. To regulate the exhibition of common showmen and of shows of every kind not interdicted by law.

4th. To abate and remove all public nuisances and private nuisances.

5th. To compel the owner or occupant of any unwholesome, noisome, or offensive house or place to remove or cleanse the same from time to time as may be necessary for the health and comfort of the inhabitants of said village.

6th. To direct the location and management of all slaughter houses, meat markets, steam mills, blacksmith shops and sewers.

7th. To regulate the manufacture and keeping of gunpowder, ashes and all combustible and dangerous materials.

8th. To regulate the making of alteration and repairs of stove pipes, furnaces, fire-places and other things from which damage by fire may be apprehended, and also to regulate the use of buildings in crowded localities for hazardous purposes, to provide for the preservation of buildings from fires by precautionary measures and inspections and to establish and regulate a fire department and fire companies.

9th. To prevent inordinate driving or riding in the streets, and cruelty to animals.

10th. To regulate the erection of buildings and to regulate entrances and exits to public halls and theatres until proper exits are provided, to prevent the encumbering

of the streets, sidewalks and public alleys with firewood, lumber, carriages, boxes and other things, and provide for the care, preservation and improvement of public grounds.

11th. To provide a supply of water for the protection of the village against fire, and for other purposes, and to regulate the use of same.

12th. To compel all persons to remove from the sidewalks and gutters adjacent to the premises owned or occupied by them, all snow and ice, dirt and garbage, and to keep sidewalks and gutters clean.

13th. To license innkeepers, keepers of saloons or victualing houses, peddlers, itinerant venders, and auctioneers, under such regulations and for such sums of money as shall be prescribed therefor.

14th. To regulate or restrain the use of rockets, squibs, fire-crackers, or other fire-works in the streets or commons, and to prevent the practicing of any amusements therein, having a tendency to injure or annoy persons passing thereon, or to endanger the security of property.

15th. To regulate gauging, the place and manner of selling and weighing hay, packing, inspecting and branding beef, pork and produce, and selling and measuring wood, lime and coal, and to appoint suitable persons to superintend and conduct the same.

16th. To prescribe the powers and duties of watchmen of said village.

17th. To regulate the grade of streets and the grade and width of sidewalks and the construction thereof, and protect the same.

18th. To provide for lighting the village.

19th. To prohibit and punish wilful injury to trees planted for shade, ornament, convenience, or use, public or private, and to prevent and punish trespasses, or wilful injuries to or upon public buildings, squares, commons, cemeteries or other property.

20th. To restrain and punish vagrants, mendicants and common prostitutes, and to suppress houses of ill-fame.

21st. To establish and maintain a public library and reading room.

SEC. 33. And said village may make, establish, alter, amend or repeal any other by-laws, rules and ordinances

which it may deem necessary for the well-being of said village, and not repugnant to the constitution or laws of the state or the United States.

SEC. 34. The by-laws, rules and ordinances of said village shall be recorded in the office of the clerk of said village, and the clerk's certificate that such by-laws, rules, and ordinances were adopted at an annual meeting of said village, or at a special meeting thereof, called for that purpose, shall be prima facie evidence of such fact in any court in this state; and certified copies of said by-laws, rules and ordinances and clerk's certificates shall also be received as evidence in all the courts of the state.

SEC. 35. A fine not exceeding twenty dollars and costs of prosecution may be imposed for the breach of any by-law, rule or ordinance, or of any section of this act unless some other sum is named in the section. In case such fine and costs are not paid the alternative sentence shall be confinement in the house of correction as is provided by law in other criminal cases. Prosecutions for offenses under this act, unless otherwise specified shall be commenced within three months after the commission of the offense.

All fines shall be paid to the village treasurer, and justices shall have jurisdiction where punishment may be by fine not exceeding twenty dollars.

SEC. 36. Said village by a majority vote in a meeting legally warned for that purpose is authorized to issue bonds not exceeding \$15,000.00 on such terms as said village shall prescribe for the purpose of paying the outstanding indebtedness of the village other than that incurred in constructing its water system. And, in case said village shall neglect to make reasonable provision for the payment of the interest and the principal of said bonds, as the same shall become due, it shall be the duty of the treasurer of said village to make out and deliver to the collector of said village a tax bill on the grand list of said village, and he shall therewith issue to said collector his warrant, substantially in form as now provided, to be issued for the collection of town or other taxes, directing the collection and payment of said tax to said treasurer within sixty days from the time of such delivery, in amount sufficient to promptly pay the interest or principal then past due and unpaid. And such tax shall be paid

to said treasurer and the money so collected shall be specially held and used for the payment of such interest and principal as is unpaid; and it is hereby made the duty of the treasurer of said village to promptly pay the interest and principal of such bonded indebtedness as the same shall become due without any vote thereon of said village, and such tax bill shall have all the force in every respect of a tax bill voted therefor by said village.

SEC. 37. All acts or parts of acts hitherto passed concerning Springfield village, inconsistent with this act, are hereby repealed.

SEC. 38. This act shall take effect from its passage.

Approved December 9, 1904.

No. 244.—AN ACT GRANTING CERTAIN POWERS TO
THE VILLAGE OF WEST DERBY.

Section.

1. Sewers.
2. Damages.
3. Petition to county court by person dissatisfied.

Section.

4. Issue of bonds, payment of bonds.
5. Takes effect from passage.

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

SECTION 1. The incorporated village of West Derby is hereby authorized to construct and maintain such sewers as it may deem expedient, and may lay the same along the streets of said village, and may require the residents of said village to connect their buildings with such sewers, upon such notice and under such penalties as may be prescribed by the by-laws of said village. It shall be lawful for the trustees of said village to lay sewers through enclosed lands whenever it shall be necessary to do so in order to secure a proper grade therefor, and to save expense of construction.

SEC. 2. In any case where damage or compensation to the owners of, or persons interested in, any lands, through which it may be necessary to lay such sewers, is not adjusted by agreement, or if such owner is a minor, or insane, or out of the state, or otherwise incapacitated, or if such owner disputes the necessity for such taking the matter shall be determined by the board of trustees of said village, after hearing all parties interested. Such hearing shall be had upon written notice of the time and