

ACTS AND RESOLVES
PASSED BY THE
GENERAL ASSEMBLY
OF THE
STATE OF VERMONT,
AT THE
FOURTH BIENNIAL SESSION, 1876.



PUBLISHED BY AUTHORITY.

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1876.

SEC. 3. Upon the transfer and acceptance of said academy building and property, the powers and duties of the trustees of said West Randolph academy shall cease, and said school district No. 15, in Randolph, shall be entitled to such equal share of the income of the grammar school lands of Orange county, as the aforesaid West Randolph academy was entitled to receive by the acts of the legislatures of 1848, 1852 and 1855, so long only as the said school district in Randolph shall maintain, in connection with their other schools, a good English high school, not less than twenty-four weeks in each year.

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

Approved, November 15, 1876.

No. 162.—AN ACT TO INCORPORATE THE BRANDON AQUEDUCT COMPANY.

SECTION

1. Powers, rights and privileges.
2. Capital stock may be increased.
3. Right to take and possess water, with proviso.
4. Right of way guaranteed, for laying aqueduct.
5. Further rights for constructing and laying aqueduct guaranteed ; damages therefor, how adjusted.
6. Malicious disturbance of or injury to aqueduct deemed a

SECTION

- misdemeanor ; penalty therefor.
7. Power to issue bonds granted.
8. Corporate seal.
9. Subject to general laws and future legislation.
10. Limitation of indebtedness ; liability of directors.
11. Negotiation of fire district for supply of water authorized.
12. To take effect.

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

SEC. 1. That the Brandon aqueduct company, a corporation heretofore organized under the general laws relating to the organization of private corporations by voluntary association, under articles of association filed with the secretary of state, on the third day of November, A. D. 1876, may enter into and engage in the enterprise or business of constructing and maintaining an aqueduct and all necessary dependents, for the purpose of supplying the village of Brandon, and the inhabitants thereof, and fire district number one, of said Brandon, with water for domestic, fire and other purposes of convenience or necessity, and, for the purposes aforesaid, may hold real and personal estate to an amount not exceeding one hundred thousand dollars.

SEC. 2. Said company, by a vote of a majority of its stockholders, at a meeting duly warned for that purpose, may increase the capital stock of said company to a sum not exceeding one hundred thousand dollars, which said increased capital stock shall be divided into shares of one hundred dollars each, and the persons subscribing therefor shall, in all respects, have the same rights in said corporation as the original stockholders thereof.

SEC. 3. The said corporation may take the waters of any fountains, springs, pond or stream, for the purposes aforesaid, but not to the extent of depriving any owner, or person having any interest in the same, of such portion of said water as is or may be necessary for agricultural and domestic purposes.

SEC. 4. The said corporation may, for the purposes aforesaid, dig up or open any street, common or highway,

or occupy any public bridge, for the purpose of constructing, laying down or repairing such aqueduct, the reservoirs connected with the same, and their necessary appurtenances, feeders and extensions ; 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 street, common, highway or bridge.

SEC. 5. The said corporation may enter upon and use any land and inclosure, over or through which it may be necessary for said aqueduct to pass on the most practicable route or routes from whence its waters may be taken, and may thereon place, lay and construct such pipes, reservoirs and appurtenances and connections as may be necessary for the complete construction and repairing of the same from time to time ; and said corporation may agree with the owner or owners of said land or inclosure, for the use and occupancy 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 Rutland, by petition, who shall forthwith appoint three disinterested persons to view the premises, and assess the damages sustained by the owners or occupiers of such lands, by the construction of such aqueduct, reservoirs and their necessary connections and appurtenances ; and said committee shall, after having been duly sworn to truly and faithfully perform their duties under their said appointments, examine the premises, appraise said damages, and report make of the same to the county court for the county of Rutland, 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 such report said court shall have power to render such judgment, and issue execution thereon, as may be necessary to secure the rights of the parties in the premises; but, in the event of a disagreement as to said damages, with any owner or person interested in said lands, it shall be competent for said corporation, at any time before final judgment, to tender to said owner or person, or to their attorney, or to pay into court, such sum or sums of money as it may elect, in satisfaction of said damages, and the taxable costs of proceedings to that time, and if the same shall not be accepted by said owner or person, or their attorney, and said proceedings by said petition shall thereafter be commenced or proceeded with by said owner or person, and they shall finally receive a less sum in damages than the amount of said tender or payment in excess of the taxable costs at the time of the same being made, in such case the said corporation shall receive of said person or owner all taxable costs on its part made in said proceedings subsequent to the making of said tender or payment, and may have execution therefor; 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.

SEC. 6. Any person who shall maliciously disturb or injure said aqueduct, reservoirs, springs, streams or fountains, or any of the connections, appurtenances, inclosures, or works thereof, or connected therewith, shall be liable to be prosecuted therefor, by the grand juror of the town, or

the State's attorney of the county where the offense shall be committed, 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 shall also be liable to said corporation for all damages resulting to it from or by such disturbance or injury, 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 their bonds or other obligations therefor, and, for their security and payment, mortgage the property, either real or personal, of said corporation, together with their 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 Brandon, and shall be binding on said company.

SEC. 8. The said corporation may have a corporate seal, and may alter the same at pleasure.

SEC. 9. This act shall be subject to the provisions of chapter eighty-six of the general statutes, entitled "Of private corporations," and may be amended, altered or repealed, as the public good may require.

SEC. 10. This corporation shall not, at any time, contract debts to an amount exceeding two-thirds of its capital stock actually paid in; and if the debts of said corporation shall, at any time, exceed such an amount, the directors shall be personally liable to the creditors of such corporation for such excess.

SEC. 11. The fire district number one, in Brandon, Rutland county, is hereby empowered and authorized, through its prudential committee, to negotiate and contract with the said corporation, upon such terms as may be agreed upon by and between said prudential committee and said corporation, for supplying said district with water for fire purposes, and applying the same for a term not exceeding ten years.

SEC. 12. This act shall take effect from its passage.

Approved, November 28, 1876.

No. 163.—AN ACT TO INCORPORATE THE BENNINGTON BATTLE MONUMENT ASSOCIATION.

SECTION	SECTION
1. Corporators ; name ; purpose ; powers, rights and privileges.	money appropriated by the State.
2. Members and members ex-officio.	6. Association to make preparations for celebrating the one-hundredth anniversary of battle of Bennington.
3. Officers, when elected ; treasurer to give bonds.	7. Appropriations made by the State ; conditions thereof.
4. Governor directed to invite New Hampshire and Massachusetts to participate in the erection of a monument.	8. First meeting, when holden ; quorum.
5. Limitation in expenditure of	9. To take effect.

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

SEC. 1. Hiland Hall, Horace Fairbanks, W. H. H. Bingham, Justin S. Morrill, E. J. Phelps, Geo. F. Edmunds,