

# ACTS AND RESOLVES

PASSED BY THE

## GENERAL ASSEMBLY

OF THE

## STATE OF VERMONT

AT THE

### EIGHTEENTH BIENNIAL SESSION

1904

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No. 217.—AN ACT TO INCORPORATE THE SUNSET LAKE WATER COMPANY.

## Section

1. Incorporators, powers and privileges, may hold property of value of \$50,000.
2. Taking of real estate, occupation of streets.
3. Rates, appeal to county court.
4. Powers of corporation, damages.
5. Penalty for injuring property of company.

## Section

6. Mortgage of property.
7. Seal.
8. Lease to other corporations.
9. Villages may contract with company for water supply.
10. Officers, first meeting, by-laws.
11. Subject to future legislation.
12. Takes effect from passage.

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

SECTION 1. George E. Crowell, C. B. Crowell, Percy V. Crowell, Edward C. Crosby and Clarke C. Fitts, all of Brattleboro, Vermont, their associates and successors, are hereby constituted a corporate body by the name of Sunset Lake Water Company, with all the rights and powers incident to corporations, and may hold real and personal estate not exceeding fifty thousand dollars, for the purpose of developing a water supply and furnishing the inhabitants and business establishments of the town of Dummerston and the town and village of Brattleboro with water for domestic purposes and fire protection.

SEC. 2. The said corporation, for the purpose aforesaid may purchase, take and hold any spring, pond, stream or reservoir within the towns of Brattleboro, Dummerston and Marlboro, and all real estate necessary and proper for the same for protecting the water supply and water shed of the same; and for the purpose of constructing and laying down aqueducts, reservoirs and pipes, and other necessary appurtenances, feeders and extensions, may dig up or open any street, common or highway, and may occupy any public bridge; provided the same be done in such manner as not to prevent their convenient use for travel, and be completed in a reasonable time and so as not to injure or disfigure said street, common, highway or bridge.

SEC. 3. The said corporation may establish and fix rates and charges for water in such a way as the by-laws of the corporation may provide; provided that whenever any disagreement arises as to the charges for water rents by such company, to any individual, firm or corporation, or any municipality, the trustees of the village or the selectmen of the town interested, or fifteen of the taxpayers who are patrons of the said company and residents of the village or either town, in which said corporation does business may, by petition, apply to the county court within and for the county of Windham, which shall appoint three commissioners who shall hear the parties and report to said court the

rate of water rents which said commissioners shall deem just, and said report, unless good cause is shown to the contrary, shall be accepted by said court and judgment given thereon, establishing such water rents, and the taxable costs of the proceedings, including commissioners' fees, shall be apportioned by said court as seems just; and the water rents thus established shall be the rents to be charged by said company for the five years next thereafter and until further petition is made, either by said corporation or by other parties interested.

SEC. 4. Said company is hereby authorized to construct, maintain and repair such reservoir or reservoirs, buildings, machinery, pipes and aqueducts as they may deem necessary, and to take, purchase and acquire in the manner pointed out by this section, any real estate, springs, streams, ponds, water rights, flowage rights, water privileges and easements within the towns of Brattleboro, Dummerston and Marlboro, necessary for their purposes, and to enter in or upon any land or water for the purpose of making surveys, digging ditches, laying pipe, making excavations, building dams, reservoirs and buildings, and making repairs, and to agree with the owner or owners of any property, franchise or privilege which may be required for the purpose of this act as to the amount of compensation to be paid to such owner or owners for the same; and in case of disagreement between said company and any owner or owners, as to the necessity for or extent of the taking of his or their property under this act, or as to such compensation, or as to the amount of damages which ought to be awarded to any person claiming to be injured in his estate by the doings of said company, or in case any such owner shall be an infant, or married woman or insane or absent from this state, or unknown, or the owner of a contingent or uncertain interest, a judge of the supreme court may, on the application of either party, cause such notice to be given of such application as said judge shall see fit to prescribe, and after proof thereof, may appoint three disinterested persons, one to be nominated by the party whose land or property is to be taken or entered upon, one by this corporation, and the third by the judge to whom application is made, to examine such property as is to be taken for, or damaged by the doings of said Sunset Lake Water Company, and they being duly sworn to a faithful and impartial discharge of their duty shall, after hearing had upon reasonable notice to parties interested, inquire into the necessity for and extent of the taking, estimate the amount of compensation which said owner shall receive, and report the same in writing to said judge who may thereupon confirm the doings of said board, unless just cause is shown to the contrary,

and make such order in the premises as justice requires; and if damages are awarded, he shall direct said company to pay the same in such manner as he may prescribe, in full compensation for the property acquired or the injury done by said company; and on compliance with such order, said company may proceed with the construction of their work without any liability to any further claim for compensation for damages. But the corporation shall not take, otherwise than by gift, devise or purchase, water or a spring of water which the owner, lessee or other person having a vested right or interest therein, or to the use thereof, may require for reasonable domestic and agricultural purposes, or for watering stock. Whenever the corporation shall acquire, otherwise than by deed, any springs, streams, water sources or lands, it shall file and cause to be recorded in the office of the clerk of the town where the same are located, a description thereof sufficiently accurate for identification.

SEC. 5. Any person who shall unlawfully use any water of said corporation, or maliciously disturb or injure the aqueduct, reservoirs, springs or streams owned or controlled by said corporation, or any of the connecting appurtenances, enclosures or works thereof, or pollutes the water of said aqueducts, reservoirs, springs or streams, shall be liable to be prosecuted therefor by the grand juror of the town, or the state's attorney of the county wherein the offense shall be committed, by information, complaint, or indictment, and on conviction thereof shall be fined not less than five dollars or more than twenty dollars and costs of prosecution, and shall be liable to said corporation for all damages resulting to it by such disturbances, injury or pollution, with full costs, the same to be recovered by said corporation in an action on the case founded in this statute.

SEC. 6. Said corporation shall have the power to sue and be sued, to contract debts, to borrow money and issue their bonds or obligations therefor, and for their security mortgage the property, either real or personal of such corporation, together with their franchise, which said bonds, mortgages or other obligations shall be issued in such way and manner as said corporation shall by vote for that purpose direct, and any mortgage shall be recorded in the town clerk's office of the town or towns in which said mortgaged property is situated, and shall be binding upon said company.

SEC. 7. Said corporation may have a corporate seal and alter the same at pleasure.

SEC. 8. This corporation may at any time lease for any term it may desire its property, water rights, and the whole or any part of its water supply, to any other corporation formed

or organized for the purpose of supplying any one of the municipalities named in this act with water for domestic and other purposes; provided, however, that no lease or contract therefor shall be made by this corporation with any other corporation unless said other corporation has in its charter substantially the same provision as to fixing the charge for water rents, in case of disagreement, as is provided in this act.

SEC. 9. The village of Brattleboro, and the town of Brattleboro and the town of Dummerston are hereby empowered to authorize and direct their trustees, selectmen or other proper officers, to negotiate and contract with said corporation on such terms as may be agreed upon between them and said corporation, for supplying said town and village with water for fire purposes, for watering the streets, and other uses, and may make such contract for such a time or term as may be mutually agreed upon.

SEC. 10. Any three of the corporators named in section one of this act may call the first meeting of said corporation to be held in the village of Brattleboro, at such time and place as they may appoint by giving personal notice thereof to each of the other corporators named in section one, who may be living and may at such first meeting choose such officers as may be deemed necessary, and make and establish such by-laws, rules and regulations, as may be deemed necessary and not repugnant to the laws of this state, and may fix the amount of their capital stock, not to exceed the amount of fifty thousand dollars, divide the same into shares of not more than one hundred dollars and not less than ten dollars, and may levy and collect assessments thereon according to law.

SEC. 11. This act shall at all times be under the control of the legislature to alter or repeal as the public good may require.

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

Approved November 29, 1904.

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No. 218.—AN ACT IN AMENDMENT OF NO. 218 OF THE ACTS OF 1900, ENTITLED "AN ACT TO INCORPORATE THE WHITE RIVER AQUEDUCT COMPANY."

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

SECTION 1. Section 4 of No. 218 of the acts of 1900 is hereby amended so as to read as follows: