

ACTS AND RESOLVES

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF VERMONT

AT THE

SIXTEENTH BIENNIAL SESSION, 1900.



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inserting after the word "fire-wardens" in line 3 of section 4 of said act the words "two auditors".

SEC. 2. All expenses pertaining to the water works, including extensions, pipes, hydrants, supplies, repairs of all kinds, and all other expenses of every nature incident to the water works, shall be paid out of the funds of the water works, or water rents.

SEC. 3. This act shall take effect from its passage.

Approved November 1, 1900.

No. 178.—AN ACT TO INCORPORATE THE VILLAGE OF ISLAND POND.

Section	Section
1. Village boundaries; corporate name and powers.	12. Village constituted a fire district.
2. Annual and special meetings.	13. Grand list.
3. Election of officers.	14. Assessment and collection of taxes.
4. Streets and highways.	15. Abatement of taxes.
5. Village made highway district; apportionment of highway tax.	16. Member of corporation not disqualified for certain offices.
6-7. Sewers, aqueducts and water-supply.	17. Borrowing money and issuing bonds therefor.
8. Superintendent of water works.	18. Act subject to future legislation; acceptance of charter; when to take effect.
9. Police officers.	
10. By-laws.	
11. Fine for violation of by-laws.	

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

SECTION 1.—All that portion of the town of Brighton in the county of Essex enclosed within the following boundaries, to wit:

Beginning at the northwest corner of the land of John Davis on the highway from post office to Iron Bridge, so called, on the line of the Grand Trunk Railway in the said town of Brighton, thence in a general southerly direction on the line of the land of the said John Davis to Ferrin's River, along the southerly bank of Ferrin's River to the fence dividing the field and pasture land of B. McKenney, thence easterly along the line of said division fence across the land of B. McKenney to the land of S. D. Hobson; thence across the land of S. D. Hobson in a straight line and in a southeasterly direction to the northeast corner of the land of E. F. Johnson, being the south bank of the Clyde River; thence along the easterly line of the Johnson land to Derby Street at a point on the west side of and including the residence of Lee Morse; thence easterly along the said Derby Street to the northeast corner of the land of Calvin Stevens on said street; thence southerly and easterly on the south

line of said Stevens' land to and across the land of M. B. Ladd, to the southeast corner of the land of the estate of Luther Ladd, running on the south line of this lot to the southeast corner of the land owned by D. C. Foss; thence on the east line of the Foss land to Pleasant street, so called, and following this highway east a distance of twenty rods, more or less, to the dividing line of the land on the east side of said highway, owned by E. J. Steele and John White; thence running east along this said dividing line to the shore of Island Pond, across this pond in the same direction, said line running south of and including within this boundary the body of land in said pond known and designated as the Island, and coming to the opposite or easterly shore of said pond in a straight line to a point in the highway between Brighton and East Brighton opposite the property known and designated as the "Old Blake Place;" thence westerly along said highway to the easterly line of the land owned by Henry Norton; thence northeasterly across the land owned by Alex. Stott, Jacob Barnes, Lando Danforth and Hall to the highway at a point opposite the south line of the Henshaw place, so called; thence along this line and in a straight line across the land of Thomas, Andrew, and Michael Tracy respectively to Mountain Street to the easterly line of land on said Mountain Street owned by W. D. Ladd, thence in a northerly direction to the foot of Bluff Mountain, so called, to the pasture fence of William Boulds; thence along the line of said fence around the base of said mountain to the track of the Grand Trunk Railway and the highway; thence south and east along the said highway to the northwest corner of the land of John Davis, the point of beginning, shall be known as the Village of Island Pond and in and by that name may sue and be sued, prosecute and defend in any court, may purchase, take, hold, sell and convey real estate and personal property necessary for its corporate purposes and shall have all the rights and privileges and be subject to all the liabilities incident to public corporations.

SEC. 2. The annual meetings of said corporation shall be holden on the first Tuesday in April in each year at such hour as the notice hereinafter mentioned shall state, at such time and place as said corporation shall hereinafter appoint, of which a notice shall be posted in at least three public places in said village, at least ten days previous to said meeting, which notice shall be signed by the clerk of the corporation, and, in case of his failure to do so, by a majority of the trustees of said village, and for want of such trustees, or upon their failure to do so, by a majority of the justices of the peace residing in said village; and whenever five legal voters residing in said village shall

so request, the clerk, and upon his neglect or refusal, the trustees may call a special meeting of said corporation, giving like notice of the same, and specifying in the said notice the object of said meeting and the business to be done at same; and at the said meeting none but inhabitants qualified to vote at town meeting in said town and who are residents of said corporation shall be entitled to vote.

SEC. 3. At the annual meeting of said corporation there shall be elected, by ballot if called for, for the ensuing year and until successors are chosen, a moderator, who shall preside at all meetings; a clerk who shall keep a record of the proceedings of said meeting of said corporation, and certify to copies of the same; and who shall perform the duties of a clerk; five trustees who shall have the management of the affairs of said corporation with the necessary powers for that purpose, who may fill vacancies in the offices of said corporation, and may act by a majority; and of whom the oldest in the office present shall act as moderator at any meeting of the said corporation when moderator is absent; a treasurer and a collector, who shall be sworn, and shall discharge the usual duties of such officers, and shall give bond in such sums as said corporation shall direct, for the faithful performance of same. If such treasurer or collector does not give bonds within ten days after his election or appointment, his office shall be vacant; and such other officers, as said corporation by its by-laws require, and such officers shall have all the powers necessary for purposes of their offices.

SEC. 4. The trustees of the said village shall have the same power to lay out, alter, change the grade and discontinue streets and highways, in said village as are vested, by law, in the selectmen of towns, and proceedings in respect to laying out, altering and discontinuing streets and highways in said village shall be had in the same manner as is prescribed by law in respect to such matters in towns, and from all of their acts or omissions or refusals to act in such respect, appeals may be taken to the county court in the same manner as is provided by law from the decision of selectmen in such matters. And the selectmen of the town of Brighton shall have no power to lay out, alter or discontinue streets or highways within the limits of said village. The trustees shall have full power of repairing streets and highways in said village.

SEC. 5. All the territory embraced within the limits of said village is hereby constituted a highway district of the town of Brighton, and one-half of all highway taxes assessed upon the polls and ratable estate in said highway district shall be paid in money by the selectmen of the said town of Brighton,

to the treasurer of said village to be used and applied by trustees in building, repairing and sustaining the highways, streets, walks, alleys, sidewalks, and lanes; and if any portion of the tax so paid in to the treasurer of the said village, in the judgment of the trustees shall not be needed for the purposes above specified, in the same way, in the discretion of the trustees it may be expended in improving, beautifying or lighting the streets of said village, and no highway surveyor shall be required or chosen by the town for said village. Said tax shall be paid over by the selectmen, as aforesaid, on or before the first day of July in each year.

SEC. 6. When the public health or convenience shall require a construction of a common sewer or main drain in the village of Island Pond through the principal streets thereof, the trustees of said village, upon application in writing of twenty or more free holders and legal voters of said village are hereby authorized and empowered to lay, make, and maintain such common sewer or main drain and repair the same when necessary, from time to time, and for such purposes may take the lands of any individual or corporation; and said trustees shall proceed in the same manner as prescribed by law for selectmen in taking lands for highways and in awarding damages therefor; and said trustees shall make a return of their doings to the office of the said clerk of said village, who shall record the same in the record of said village. Each person or corporation whose particular drain shall enter to such main drain or sewer, or who in the opinion of the said trustees shall receive peculiar benefit thereby for draining the premises of such person or corporation, shall be liable to contribute a just share towards the expense of laying and constructing and maintaining of such sewer or drain, and shall be assessed therefor by said trustees such share; and at least ten days notice of the time and place of such assessment for said contribution shall be given to such person or corporation, his agent, tenant or lessee, and a certificate of such assessment shall be left with the clerk of said village, and recorded by said clerk, and when recorded the amount so assessed shall be and remain a lien, in the nature of a tax upon the lands and premises so assessed until the same shall be paid; and if the owner of such lands and premises shall neglect, for the space of six months after the final decision of said trustees, or in case of appeal to the county court, to pay the village treasurer the amount of such assessment, said trustees shall issue their warrant for the collection of the same, directed to village tax collector, who shall have authority to sell at public auction, so much of said lands and premises as will satisfy said assessment and all legal fees, and who shall proceed in the same manner as

collectors of town taxes are required by law to proceed in selling real estate at auction for the collection of town taxes. When any person or corporation shall be dissatisfied with the decision of the trustees in the award of damages for land taken for such sewer or drain, or in any assessment for contribution for the same, such person or corporation may petition the Essex county court for a re-assessment of such damages or contribution, and any number of persons agreed may join in the petition ; but such petition shall not delay the laying or repairing of such sewer or drain.

Said petition shall be served on the clerk of said village within sixty days after the awarding of such damages or said assessment for contribution, and be filed in the office of said village clerk. Such proceedings shall be had in said court on such petition as are provided by law for the re-assessment for lands taken for highways, except as herein provided, by said court, and the commissioners shall notify one of the trustees of said village of the time and place when they will hear said matter.

SEC. 7. Such corporation may purchase or may take by right of eminent domain, hold and convey real estate, personal property, springs, watercourses and existing aqueducts, and in acquiring any property other than by purchase, said corporation may proceed in the same manner as described in the preceding section of this act in taking land for sewers, and may erect and keep in repair any buildings necessary or convenient for their purpose and may construct and maintain aqueducts and reservoirs as they judge best and may adopt, make, establish, amend or repeal by-laws, rules and regulations for the management and control of said aqueduct and for the use of water from the same, and impose such fine, penalty or forfeiture for the breach thereof, not exceeding one hundred dollars for any one offense, as may be judged reasonable by said corporation ; and any person who shall maliciously corrupt the water of said aqueduct or reservoir, or render it impure, or who shall wilfully destroy or injure any dam or reservoir, aqueduct, pipe or hydrant, or the property held, owned or used by said corporation for the purposes of this act, shall pay three times the amount of actual damages to said corporation, to be recovered in an action on the case founded on this statute ; and any such person on conviction of either the wilful or malicious acts aforesaid shall be punished by a fine not exceeding one hundred dollars.

SEC. 8. The trustees of said village shall appoint a superintendent of water works, not one of their number, and he may or may not at the time of his appointment be a resident of said village, and may remove him at their pleasure and fix his com-

pensation, who, under the direction of the trustees, shall have the general supervision of the entire water works belonging to the village of Island Pond, shall keep the same in repair, and shall establish the rates to be charged for the use of water and collect the water rents and pay the same to the village treasurer.

SEC. 9. The trustees of said village shall have power to, and may appoint such number of police officers within said village, as said trustees may judge necessary for the interest of the inhabitants of the said village, by writing under their hands, which shall be recorded in the office of the village clerk; and such appointment may be revoked at any time. Said trustees may specify their duties as watchmen and patrols, and agree with them for their compensation, which shall be paid by the said corporation. Each of the said police shall be sworn, and shall have the same powers, within the limits of said village as constables in serving criminal process and in criminal matters and when on duty shall wear conspicuously a badge of the office, and shall hold their office for one year, unless sooner discharged as aforesaid.

SEC. 10. Said village may make, alter, and repeal by-laws of the following subject matters, viz:—

First.—Relating to their streets, sidewalks, alleys, public highways, commons, parks, and public grounds, the cleaning, repairing and improving the same; to prevent the incumbering of the same with fire-wood, coal, ashes, lumber, carriages, boxes, and other things, and to compel persons to remove from the sidewalks, and gutters adjacent to the premises owned or occupied by them, snow, dirt, and garbage, and to keep such sidewalks and gutters clean.

Second.—Relating to policing and lighting the streets.

Third.—Relating to slaughter-houses and nuisances generally, and to compel the owner or occupants of an unwholesome 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.

Fourth.—Relating to sewers.

Fifth.—Relating to water supply for the protection of the village and the inhabitants thereof and for other purposes, and to regulate the use of same.

Sixth.—To restrain animals from running at large in said village.

Seventh.—To establish and regulate markets.

Eighth.—To establish and maintain hay scales.

Ninth.—To suppress disorderly and gambling houses, and all descriptions of gaming, and for the destruction of instruments used for that purpose.

Tenth.—To prevent immoderate driving in the streets and cruelty to animals.

Eleventh.—To regulate the erection of buildings and the materials to be used therefor, and the use and occupancy of buildings in crowded localities for special hazardous purposes.

Twelfth.—To regulate the manufacture or keeping of gun powder and all combustibles or dangerous materials.

Thirteenth.—To regulate the making, altering and repairing of stove pipe, furnaces, fireplaces, depositories for ashes and other things, from which loss or damage from fire may be apprehended, and in general to provide for the preservation of buildings from fire, by precautionary measures and inspections.

Fourteenth.—To establish, regulate a fire department, and fire hose, and hook and ladder companies.

Fifteenth.—To regulate and restrain the use and sale of rockets, squibs, fire-crackers, toy pistols, or other fire-works within the village, also guns, cannon and explosives.

Sixteenth.—To regulate the exhibition of shows not interdicted by law.

Seventeenth.—To license innkeepers and victualers, peddlers, itinerant vendors, and auctioneers, and license and suppress pool and billiard tables, bowling alleys, skating rinks, and other places of amusement.

Eighteenth.—To regulate the length, width and grade of streets and sidewalks, and the construction thereof, and protect the same.

Nineteenth.—To prohibit and punish wilful injury to trees planted for shade, ornament, convenience or use, public or private and to prevent and punish trespass or wilful injuries to or upon public buildings, squares, commons, cemeteries, or other property within said village. And said corporation may establish, alter or repeal other by-laws and ordinances which it may deem necessary for the well being of the said village, and for the proper regulation of the officers thereof, not repugnant to the laws of the state.

SEC. 11. Said village may impose a fine or forfeiture not exceeding one hundred dollars for the violation of any by-law or ordinance. Such penalty may be recovered in an action on the case upon this statute, in the name of this corporation, in which action it shall be sufficient to declare generally, that the defendant is guilty of violation of a certain by-law, naming it generally, and under such declaration the special matter may be given in evidence. But nothing herein contained shall be so construed as to prevent said corporation from having such other and further relief, as it may be entitled to by law to compel a compliance with the by-laws and ordinances of said village.

SEC. 12. Said village is hereby constituted a fire district for the purpose of preventing the destructive consequences of fires, and the trustees thereof shall have all the powers and be subject to the same restrictions as prudential committees in fire districts, in making contracts and expenditures for the preservation of property in said village from loss or damage by fire.

SEC. 13. It shall be the duty of the listers of the town of Brighton, in making their assessments of real estate in said town, to designate, in the list by them made, the real estate situated within the village of Island Pond, and in case any piece or parcel of real estate be situated partly within and partly without the limits of the said village, said listers shall designate in said lists the appraised value of said real estate which lies within said village.

SEC. 14. Said village may, at its annual meeting or at any special meeting warned for that purpose, assess a tax on the ratable polls of the residents of said village, and on the list of real and personal estate taxable therein, for any of the purposes mentioned in this act, and shall have all the powers and may collect such tax in such manner as is provided by law for the collection of town taxes in towns, and the trustees of said village are to have the powers and perform the duties herein required of the selectmen in towns.

SEC. 15. The trustees and clerk of said village shall constitute a board for the abatement of taxes in said village, and shall have the same power and proceed in the same manner as the board for the abatement of taxes in towns.

SEC. 16. A member of said corporation shall not be deprived by reason of such membership to act as judge, juror, sheriff, constable, or justice of the peace, in any cause or proceeding in which such corporation is interested.

SEC. 17. Said village at an annual or at any special meeting called for that purpose, is hereby authorized and empowered to vote to borrow money for any of the purposes herein mentioned, and to issue its notes and bonds therefor, and such notes or bonds shall be signed by the trustees and countersigned by the treasurer of said village, and if interest coupons are attached they shall be signed by the treasurer; and the bonds or notes shall contain a statement that they are issued for the purposes mentioned and in conformity with the provisions of this act, and such statement shall be conclusive evidence of the same, and of the liability of the village to pay such notes or bonds in an action by a person who in good faith holds such notes or bonds. The village treasurer shall keep a record of every note or bond under the provisions of this act, therein stating the number and denomination of each note or bond, when

and where payable, to whom issued, and the rate of interest thereon ; and also shall keep a record of payments, interest and principal, and if any coupons are taken up shall deface the same.

SEC. 18. This act shall be subject to future legislation to alter, amend or appeal, and shall take effect when accepted by a vote of the legal voters of said village, and the justices of the peace residing within the limits of said proposed village corporation or a majority of them are hereby authorized to call a meeting of the legal voters of said village corporation, for the purposes of accepting the provisions of this act, and electing the officers named in third section thereof, a notice of which meeting shall be posted in at least five public places in said village not less than ten or more than twenty days before the time therein specified for said meeting and containing all the business to be done at said meeting ; and this act if so accepted or approved within three months from its passage shall be of full force and effect, otherwise of no effect and void.

Approved November 26, 1900.

No. 179—AN ACT TO FURTHER ENABLE THE VILLAGE OF LUDLOW TO CONSTRUCT AND USE AN ELECTRIC PLANT AND TO ISSUE BONDS FOR THAT PURPOSE.

Section

1. Election, term of office and duties of electric light commissioners.
2. Construction of electric light plant.
- 3-4. Condemnation proceedings.
5. Issue of electric light bonds authorized.
6. Operation of electric light plant ; rates and rentals ; appointment and compensation of superintendent.

Section

7. Collection of rates.
8. Expenditure of moneys received for electric lighting.
9. Sec. 28 of No. 122, acts of 1892, amended.
10. Act takes effect from passage.

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

SECTION 1. Section two of the act of incorporation of the village of Ludlow, approved November 22nd, 1892, as amended by act No. 281 of the session laws of 1894 is hereby amended so as to provide for the election, in addition to the officers therein named of three electric light commissioners whose duty shall be to carry into effect section No. 28 of said act of incorporation, and the provisions of this act. The term of office of said electric light commissioners hereafter elected shall be three