

# ACTS AND RESOLVES

PASSED BY THE

## GENERAL ASSEMBLY

OF THE

# STATE OF VERMONT

AT THE

## SIXTEENTH BIENNIAL SESSION, 1900.



**PUBLISHED BY AUTHORITY.**

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1900.

No. 217.—AN ACT GRANTING CERTAIN POWERS TO THE ISLAND POND WATER COMPANY, A CORPORATION INCORPORATED UNDER THE GENERAL LAWS OF THE STATE OF VERMONT.

## Section

1. Power to acquire water rights, erect reservoirs and lay aqueducts.
- 2-4. Condemnation proceedings.
5. Water rates.
6. May bond and mortgage to an amount not exceeding two thirds of capital.

## Section

7. Brighton or village or district therein may contract with the company to purchase its property.
8. Penalty for injuring property.
9. Act takes effect from passage; subject to future legislation.

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

SECTION 1. The Island Pond Water Company may, for the purposes set forth in the original articles of association of the said corporation, take by purchase or otherwise, the waters from any spring or springs, brook or streams within the town of Brighton in the county of Essex, or so much of the above mentioned waters as may be necessary for supplying said town of Brighton and the villages situate therein with water for fire, domestic, mechanical and other purposes; and may also take by purchase or otherwise the water rights connected with such water sources except water rights and water systems now chartered or in operation in said Brighton; and also all the lands, rights of way and easements necessary for the holding and preserving of such water, and for the conveying of the same to any part of said town; and may erect or cause to be erected on the lands thus taken or held, proper dams, reservoirs, 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 waterworks; and may construct and lay down conduits, pipes and other works under or over any lands, water-courses, railroads 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, 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 ways in such manner as to cause least damage and hindrance to the public travel on such ways.

SEC. 2. Said corporation within sixty days after taking of any lands, rights of way, water rights, water sources or easements as aforesaid other than by purchase, shall file and cause to be recorded in the town clerk's office of the said town of Brighton 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. 3. Said corporation before entering upon any lands or taking any springs, waters, water rights, rights of way or easements as aforesaid, other than by purchase or agreement with the owner or owners thereof, shall apply by petition to the assistant judges of the Essex county court for the appointment of commissioners to determine the necessity for taking and condemning any lands, privileges or rights before mentioned and to make 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 judges shall be served upon the owner or owners of said lands, springs, water rights, rights of way or easements by a copy, at least six days before the time set for hearing and appointment of commissioners; and the said judges shall thereupon appoint three disinterested commissioners to view the premises and determine the necessity and assess damages for the taking of said lands, springs, waters, water-rights, rights of way or easements, who shall give notice to the parties of the time and place when and where they will attend to the duties of their appointment. And the said commissioners shall file their report in the office of the clerk of Essex county, and notify the parties thereof. And the decision of said commissioners shall be final between the parties unless one or both of said parties shall petition the Essex county court for a re-hearing as provided in the following section. And upon payment of the damages so assessed, and costs, to the county clerk of Essex county for the benefit of said owner or owners of property so taken or entered upon, said corporation may at once occupy said premises notwithstanding further proceedings may be instituted in the county court as hereinafter provided.

SEC. 4. When any person shall be dissatisfied with the award of commissioners so made, such person may petition the county court of Essex county for a re-hearing on the question of such necessity or a re-assessment and award of damages, or both, and such proceedings shall be had in said court on said petition as are provided by law for the assessment of damages for land taken for highways, except that the commissioners appointed by said court shall notify the clerk of The Island Pond Water Company, and the land owners. Said petition shall be served on the petitionees within sixty days next after said report of commissioners shall have been filed as provided in section 3 of this act, and at least twelve days before the term of court to which it is made returnable.

SEC. 5. Said corporation may fix the rates of water rents, and alter the same and may sue for and collect said water rents whenever necessary, and may cut off the water supply and remove its pipes from any building or dwelling when necessary or when the owner or occupant thereof neglects or refuses to pay said water rents, and may measure the water so used or furnished by water meters or otherwise. And twelve persons supplied with water by said corporation who are aggrieved by the amount of the rates or tolls required of them and of each of them may petition the judges of the Essex county court to appoint commissioners to determine whether the amount of the rates or tolls charged to and required of the petitioners are reasonable, and on the filing of such petition the procedure shall be the same as herein provided for the determining the necessity of condemnation of lands, water-rights and easements; and assessment of damages. In proceedings under this section full costs shall be allowed the prevailing party.

SEC. 6. Said corporation may at any time issue bonds and secure them by mortgage of its franchise and other property, to an amount not exceeding two-thirds of its capital stock.

SEC. 7. The town of Brighton or any village or fire precinct within the same, or any district within the same, which now is, or may hereafter be organized, or incorporated for the purpose, by vote thereof, and acting through its proper officers or agents, may contract with said The Island Pond Water Company for water for fire protection, public drinking troughs or other uses, or by agreement with said The Island Pond Water Company may purchase the franchise, together with all property real or personal that may be legally possessed by said corporation.

SEC. 8. Any person who shall maliciously disturb or injure any aqueduct, spring, reservoir, water pipes, or other property connected therewith, or pollute the waters thereof shall be liable to prosecution therefor by 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 such person shall be liable to said corporation for all damages sustained thereby with full costs.

SEC. 9. This act shall take effect from its passage and shall be deemed and taken to be a public act and shall be construed favorably and beneficially for all purposes for which the same is intended, and shall at all times be under the control of the legislature to amend, or alter as the public good may require.

Approved November 13, 1900.