

ACTS AND RESOLVES

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF VERMONT,

AT THE

TENTH BIENNIAL SESSION, 1888.



PUBLISHED BY AUTHORITY.

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BURLINGTON :  
THE FREE PRESS ASSOCIATION,  
PRINTERS.

No. 244.—AN ACT IN ADDITION TO "AN ACT TO INCORPORATE THE VILLAGE OF WINDSOR," APPROVED NOVEMBER 21, 1884.

## SECTION.

1. Increase of water supply.
2. Construction of dams, reservoirs, etc.
3. Description of springs, etc., taken to be recorded.
4. Liability for damages for taking lands, etc.; petition of persons dissatisfied with award.

## SECTION.

5. Proceedings thereupon.
6. Proceedings thereupon.
7. Penalty for diverting water or disturbing rights, etc.
8. When to take effect.

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

SECTION 1. The village of Windsor in its corporate capacity is hereby authorized and empowered to increase, enlarge and improve its water sources, water rights and aqueducts, with a view of providing an increased supply of pure water for public or private uses in said village; and for that purpose it may take and hold by purchase or otherwise, such springs, streams, water courses, and the waters thereof, within the limits of the town of Windsor in the county of Windsor in this State, together with such lands under and around the same as may be necessary to protect its purity and preservation. Provided the owner or other persons having any interest in the same shall not be deprived of such portion of such water as may be necessary for agricultural and domestic purposes.

SEC. 2. The said villiage, for the purpose of using the water taken as aforesaid may take and construct dams, and reservoirs, lay pipes and aqueducts, and connect the same with the pipes and reservoirs now laid or in process of construction, or which may hereafter be laid or constructed by said village to convey the water taken as aforesaid to the said village, and may take by purchase or otherwise any lands that may be necessary therefor in said town of Windsor, upon giving the same notice to the parties interested as is provided in sections twenty-three and twenty-four of the said act of November 21, 1884.

SEC. 3. Said village shall, within sixty days after taking any springs, streams, water sources, or land, under the provisions of this act and before entering into possession of the same, file in the office of the town clerk of the town of Windsor, a description of the same sufficiently accurate for indentification at all times, together with the amount of the damages sustained by the owner or owners of the lands, springs, streams, or water sources so taken, which description shall be signed by a majority of the board of trustees of the village of Windsor, and shall, within three days from the time said description is filed, and before entering into possession of the same, tender to said owner or owners such sum as said trustees have therein awarded as damages as aforesaid.

SEC. 4. The said village shall be liable to pay all damages that shall be sustained by any person in their property by the taking of any lands, springs of water, water courses, or streams, by the con-

struction of any dams or reservoirs, or the laying of any pipes, hydrants or aqueducts, or other works for the purpose aforesaid, and if such person shall be dissatisfied with the sum offered or tendered to him by the trustees of said village for his damages in the premises, such person may petition the county court for the county of Windsor, for the appointment of three commissioners to assess his damages in the premises.

SEC. 5. Such petition shall be served on the clerk of the village of Windsor within sixty days next after the filing of the description and the award of the damages as aforesaid, in the town clerk's office in the town of Windsor as required in section three of this act, and at least twelve days before the session of the court to whom it shall be addressed.

SEC. 6. The same proceedings shall be had in the county court upon such petition as upon the petition of a person dissatisfied with the decision of the trustees in the award of damages for laying, making, altering or repairing any sewer, drain, sidewalk or culvert, within the limits of said village.

SEC. 7. A person who diverts any part of the water from the sources taken by the village pursuant to the preceding sections, without the written consent of the water commissioners, or who maliciously destroys or injures a dam, reservoir, aqueduct, pipe, hydrant or any similar property, or property appurtenant thereto, or breaks down or tears away any property placed to protect the same, which is held, owned or used by said village, or wantonly or maliciously diverts any part of the water from an aqueduct belonging to said village, or corrupts such water or renders it impure, either within such reservoir or reservoirs, or in such sources as lead thereto, or obstructs its flow by unnecessarily depositing any foreign substance therein, or wantonly or maliciously interferes with the distribution and flow of the water of said aqueduct by altering, opening or shutting a stop-cock, gate, hydrant or guage in or attached to said aqueduct, shall be fined not more than three hundred dollars, or imprisoned not more than six months, or both, in the discretion of the court, and shall forfeit to the village three times the amount of damage occasioned by such act to be recovered with costs in an action on the case found on this statute.

SEC. 8. This act shall take effect from its passage.

Approved November 20, 1888.