

# ACTS AND RESOLVES



PASSED BY THE

GENERAL ASSEMBLY

OF THE

# STATE OF VERMONT,

AT THE

THIRTEENTH BIENNIAL SESSION, 1894.



PUBLISHED BY AUTHORITY.

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No. 228.—AN ACT IN ADDITION TO AN ACT ENTITLED  
“AN ACT TO INCORPORATE THE CHESTNUT HILL  
RESERVOIR COMPANY,” APPROVED NOVEMBER  
27, 1888.

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

SECTION 1. 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 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 said application as said judge shall see fit to prescribe, and after proof thereof, may appoint three disinterested persons to examine such property as is to be taken for, or damaged by the doings of said 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, estimate the amount of compensation which said owner shall receive, and report the same in writing to said judge who may thereon confirm the doings of said appraisers, unless just cause is shown to the contrary, and direct said company to pay the same in such manner as said judge may prescribe, in full compensation for the property acquired or the injury done by said company; and on compliance with the order of said judge, 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.

SEC. 2. This act shall take effect from its passage.  
Approved November 23, 1894.

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No. 229.—AN ACT TO AMEND THE CHARTER OF THE  
MORRISVILLE AQUEDUCT COMPANY.

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

SECTION 1. No. 173 of the acts of 1886 approved November 22 1886 is hereby amended so as to authorize said corporation thereby created to take by purchase the waters of any fountains, streams, ponds and springs as may be required for the purposes specified in said act and to divert and appropriate said waters to their uses under said act, provided the owner or other person having any interest in said waters shall not against his will be deprived of such portion of such waters so diverted as may be necessary for agricultural or domestic purposes. And in case the said corporation and the owners and other persons interested in such waters so taken cannot agree upon the compensation for taking, diverting or appropriating the same as aforesaid, or if any owner or person interested be under any of the disabilities mentioned in Sec. 5 of said act, said corporation, owner or person interested may apply to the judges of Lamoille county court as provided in said Sec. 5 who shall if they find such taking, diverting or appropriating necessary forthwith appoint three appraisers as provided in said Sec. 5. The said appraisers shall thereupon notify all owners or persons interested in the title of such waters described in the petition so far as they may be known of the time and place of hearing on the questions submitted to them and shall pursuant to such notice after full hearing in the premises on oath appraise the damage sustained by the several parties to the petition by the taking, diverting or appropriating said waters as aforesaid and shall make report thereof as provided in said Sec. 5 which report shall be accepted by said court unless good cause be shown to the contrary and judgment rendered thereon as is provided in said Sec. 5.

Provided that nothing herein shall prevent said corporation from using the waters of such springs as have heretofore been purchased and appropriated by said corporation if said corporation tenders to any person interested in the same a sufficient bond to pay all damages and costs awarded to such person on proceedings under this act or to cease using, diverting or appropriating such waters.

SEC. 2. This act shall take effect from its passage.  
Approved November 8, 1894.