

ACTS AND RESOLVES

PASSED BY THE

GENERAL ASSEMBLY

OF THE

STATE OF VERMONT

AT THE

EIGHTEENTH BIENNIAL SESSION

1904

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under, lay gas mains and pipes under, and erect gas posts, burners and reflectors in highways, streets, lanes or public grounds of the said town, provided that public travel shall not be unnecessarily affected or impeded thereby; also provided that no private property shall be taken or used without the consent of the owner or owners thereof.

SEC. 5. The first meeting of said corporation shall be holden at such time and place as shall be agreed upon by the majority of the persons named in section one of this act, and at such meeting and any subsequent meeting of the stockholders said corporation may make, alter, amend and repeal such by-laws and regulations for conducting its affairs as a majority of its stockholders may direct, not repugnant to the laws of this state.

SEC. 6. This act shall take effect from its passage, and be subject to the control of any future legislation as the public good may require.

Approved November 16, 1904.

No. 213.—AN ACT TO AMEND AN ACT ENTITLED AN ACT TO INCORPORATE THE ANDREWS AQUEDUCT COMPANY, APPROVED NOVEMBER 23, 1896.

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

SECTION 1. Section 4 of said act is hereby amended so as to read as follows:

Section 4. Said corporation may purchase any aqueduct or aqueducts now in use or in process of construction, and take a conveyance of title by deed or otherwise. And said corporation may take the waters of any ponds, springs or streams for the purposes aforesaid, but shall reimburse any owner or owners or persons having an interest in the same for any damages he may sustain, as hereinafter provided. But said corporation shall not take otherwise than by purchase water or a spring of water which the owners require for the reasonable and convenient use of his premises, and if the owner and the corporation cannot agree as to what water is necessary for such use, such question shall be determined in the same manner and by the same means as hereinafter provided in section 6 of this act as hereinafter amended.

SEC. 2. Section 6 of this act is hereby amended so as to read as follows:

Section 6. Said corporation may enter upon and use any land and enclosure over or through which it may be necessary for said aqueduct or aqueducts to pass on the most practicable route or routes from whence its waters may be taken, and may thereon lay, place and construct such pipes, reservoirs, appurtenances, and connections as may be necessary for the complete construction and repairing of the same from time to time; and said corporation may agree with the owner or owners of said land or enclosures for the use and occupancy of the same and also with any person or persons owning or having an interest in any spring, stream, fountain or pond, for the use of the same or so much of the same as said corporation may require; but if any water, sources, lands, rights or easements shall be taken without the consent of the owner or if there be any disagreement concerning the same, or if such owner be incapacitated to sell, lease or convey the same, said corporation or such owner may apply by petition to the county court within and for the said county of Washington and said court shall forthwith appoint three disinterested persons as commissioners who shall inquire into the necessity for and extent of such taking and as to the damages sustained by the owner. Said petition shall set forth, if by the corporation, the particulars wherein it claims the right to take such property and, if by the owner, the particulars wherein he claims to be aggrieved. Any number of persons whose properties have been taken and who consider themselves aggrieved may join in such petition. Said commissioners shall give at least six days' notice to the petitioner and to the petitionee of the time and place of hearing, which place of hearing shall be in the said town of Northfield unless otherwise agreed upon by the parties hereto. Said commissioners shall report their finding to the court; and, upon hearing, the court may accept or reject the report in whole or in part, and may make such judgment and decree in the premises as to justice and right may appertain both as to the taking and as to the damages and may tax costs for either party and may award execution. When the company has complied with the judgment of the court settling the damages and the costs, if any be taxed, to be paid by it, or shall have made tender of the same, said company may proceed with the construction of its work without further hindrance or liability.

Approved November 30, 1904.