

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1891.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1891.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1891.

places within said village seven days at least before the time of said meeting.

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SECT. 8. This act shall take effect and be in force after the same shall be accepted by two-thirds of the voters present at a meeting of said corporation, called agreeably to the seventh section of this act.

When act shall take effect.

Approved March 10, 1891.

Chapter 170.

An Act to incorporate the Phillips Water Company.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows :

SECT. 1. F. E. Timberlake, W. A. D. Cragin, Joel Wilbur, J. H. Byron, N. U. Hinkley, Samuel Farmer, E. M. Robinson, C. M. Davis, T. M. Parker, J. W. Butterfield, N. B. Beal, Harry F. Beedy, Henry B. Palmer, Harry P. Dill, N. P. Noble, F. N. Beal, J. W. Brackett, with their associates and successors, are hereby made a corporation under the name of the Phillips Water Company, for the purpose of supplying the inhabitants of the towns of Phillips and Avon with suitable water for industrial, manufacturing, domestic, sanitary and municipal purposes, including the extinguishment of fire ; with all the rights and privileges, and subject to all the liabilities and obligations of similar corporations under the laws of this state.

Corporators.

—corporate name.

SECT. 2. For any of the purposes aforesaid, the said corporation is hereby authorized to take and use water from the Sandy river, or from any spring, pond, brook or other waters in the towns of Phillips and Avon ; to conduct and distribute the same into and through the said towns of Phillips and Avon ; and to survey for, locate, construct, and maintain suitable and convenient dams, reservoirs, buildings, machinery, lines of pipes, aqueducts, structures and appurtenances.

May take water from Sandy river, etc.

SECT. 3. The said corporation is hereby authorized to lay, construct and maintain its lines of pipe under, in and over the Sandy river and any tributaries thereof, in the said towns of Phillips and Avon, and to build and maintain all necessary structures therefor, at such places as may be necessary for

May lay pipes under, in and over Sandy river.

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—cross any private or public sewer.

the said purposes of the said corporation; and to cross any water course, private or public sewer, or to change the direction thereof, where necessary for their said purposes of incorporation, but in such manner as not to obstruct or impair the use thereof, and the said corporation shall be liable for any injury or damage caused thereby.

May lay pipes along highway, etc.

SECT. 4. The said corporation is hereby authorized to lay, construct and maintain in, under, through, along, over and across the highways, ways, streets, railroads and bridges in the said towns of Phillips and Avon, and to take up, replace and repair, all such aqueducts, pipes, hydrants and other structures and fixtures, as may be necessary and convenient for the said purposes of said corporation; and the said corporation shall be responsible for all damages to the said towns and to all corporations, persons and property, occasioned by such use of the said highways, ways and streets. Whenever the said corporation shall lay down or construct any fixtures in any highway, way or street, or make any alterations or repairs upon its works in any highway, way or street, it shall cause the same to be done with as little obstruction to public travel as may be practicable, and shall at its own expense, without unnecessary delay, cause the earth and pavement then removed by it, to be replaced in proper condition.

—responsible for all damages.

—shall not obstruct public travel.

May take land.

SECT. 5. The said corporation is hereby authorized to take and hold, by purchase or otherwise, any lands necessary for flowage, and also for its dams, reservoirs, gates, hydrants, buildings and other necessary structures, and may locate, erect, lay and maintain aqueducts, lines of pipe, hydrants and other necessary structures or fixtures, in, over and through any land for the said purposes, and excavate in and through such land for such location, construction and erection. And in general to do any acts necessary, convenient or proper, for carrying out any of the said purposes of incorporation. It may enter upon such lands to make surveys and locations, and shall file in the registry of deeds for the county of Franklin, plans of such locations and lands, showing the property taken, and within thirty days thereafter publish notice of such filing in some newspaper in said county, such publication to be continued three weeks successively. Not more than two rods in width of land shall be occupied by any one line of pipe or aqueduct.

—shall file plan of location in the registry of deeds in Franklin county.

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SECT. 6. Should the said corporation and the owner of any land required for the said purposes of incorporation, be unable to agree upon the damages to be paid for such location, taking, holding and construction, the land owner may, within twelve months after the said filing of plans of location, apply to the commissioners of said county of Franklin, and cause such damages to be assessed in the same manner and under the same conditions, as are prescribed by law in the case of damages by the laying out of railroads. If the said corporation shall fail to pay such land owner, or deposit for his use with the clerk of the county commissioners aforesaid, such sums as may be finally awarded as damages, with cost when recovered by him, within ninety days after notice of final judgment shall have been received by the clerk of courts of the said county, the said location shall be thereby invalid and the said corporation shall forfeit all rights under the same, as against the owner of the land. The said corporation may make a tender to any land owner damaged under the provisions of this act, and if such land owner recovers more damages than was tendered him by the said corporation, he shall recover cost, otherwise the said corporation shall recover cost. In case the said corporation shall begin to occupy such land before the rendition of final judgment, the land owner may require the said corporation to file its bond to him with the said county commissioners, in such sum and with such sureties as they may approve, conditioned for the payment of the damages that may be awarded. No action shall be brought against the said corporation for such taking, holding and occupation, until after such failure to pay or deposit as aforesaid. Failure to apply for damages within the said twelve months, shall be held to be a waiver of the same.

Damages, how ascertained in case of disagreement.

—proceedings, if corporation fails to pay damages.

SECT. 7. The said corporation is hereby authorized to make contracts with the United States, the state of Maine, the county of Franklin, the towns of Phillips and Avon, and Phillips Village Corporation in the said town of Phillips, and with the inhabitants thereof or any corporations doing business therein, for the supply of water and power for the purposes contemplated in this act; and the said towns and corporation by their proper officers, are hereby authorized to enter into contract with the said corporation for a supply of water for any and all purposes mentioned in this act, and for such

May make contracts to supply water.

Towns and corporations, may contract for supply of water, and exempt from taxation.

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exemption from public burdens as the said towns or village corporation and the said corporation may agree upon, which when made, shall be legal and binding upon all parties thereto.

Penalty, for corrupting water, or injuring works.

SECT. 8. Whoever shall knowingly or maliciously corrupt the water supply of the said corporation, whether frozen or not, or in any way render such water impure, or whoever shall willfully or maliciously injure any of the works of the said corporation, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding two years, and shall be liable to the said corporation for three times the actual damage, to be recovered in any proper action.

Capital stock.

SECT. 9. The capital stock of the said corporation shall be fifteen thousand dollars, which may be increased to any sum not exceeding fifty thousand dollars by a majority vote of the stockholders of the said corporation; and the stock shall be divided into shares of fifty dollars each.

May hold real and personal estate, to the amount of \$50,000.

SECT. 10. The said corporation for all its said purposes, may hold real and personal estate necessary and convenient therefor, to the amount of fifty thousand dollars.

May issue bonds and mortgage property.

SECT. 11. The said corporation may issue its bonds for the construction of its works, of any and all kinds, upon such rates and time as it may deem expedient not to exceed the amount of its capital stock, and secure the same by mortgage of its franchise and property.

First meeting, how called.

SECT. 12. The first meeting of said corporation shall be called by a written notice thereof, signed by any two of the named incorporators, served upon each named incorporator by giving him the same in hand, or by leaving the same at his last and usual place of abode, at least seven days before the time of meeting, or by publishing said notice in some newspaper published in said Phillips.

SECT. 13. This act shall take effect when approved.

Approved March 10, 1891.