

# MAINE STATE LEGISLATURE

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# Sixty-Second Legislature.

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HOUSE.

No. 187.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
EIGHTY-FIVE.

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AN ACT to incorporate the Long Pond Water Company.

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

SECTION 1. John Showbar, Charles P. Simpson and  
2 Stanislaus Wilson, and such persons as they may associate  
3 with themselves in the enterprise, and their successors,  
4 are hereby incorporated into a corporation by the name of  
5 the Long Pond Water Company, for the purpose of sup-  
6 plying the town of Sullivan, in the county of Hancock,  
7 and the inhabitants of said town with pure water for in-  
8 dustrial, manufacturing, domestic, sanitary and municipal  
9 purposes, including extinguishment of fires.

SECT. 2. Said company for said purposes may flow,  
2 detain, collect, take, store, use and distribute water from  
3 Long Pond and any stream flowing from said pond all in  
4 said Sullivan, and may locate, construct and maintain  
5 dams, cribs, reservoirs, locks, gates, sluices, aqueducts,

6 pipes, hydrants and all other necessary structures there-  
7 for.

SECT. 3. Said company is hereby authorized to lay,  
2 construct and maintain in, under, through, along and  
3 across to the highways, ways, streets, railroads and bridges  
4 in said town and to take up, replace and repair all such  
5 sluices, aqueducts, pipes, hydrants and structures as may  
6 be necessary for the purposes of their incorporation,  
7 under such reasonable restrictions and conditions as the  
8 selectmen of said town may impose. And said company  
9 shall be responsible for all damages to persons and prop-  
10 erty occasioned by the use of such highways, ways and  
11 streets, and shall further be liable to pay to said town all  
12 sums recovered against said town for damages from  
13 obstruction caused by said company, and for all expenses,  
14 including reasonable counsel fees incurred in defending  
15 such suits with interest on the same.

SECT. 4. Said company shall have power to cross any  
2 watercourse, private or public sewer, or to change the  
3 direction thereof where necessary for the purpose of their  
4 incorporation, but in such manner as not to obstruct or  
5 impair the use thereof, and said company shall be liable  
6 for any injury caused thereby. Whenever said company  
7 shall lay down any fixtures in any highway, way or street ;  
8 or make any alterations or repairs upon its works in any  
9 highway, way or street, it shall cause the same to be done  
10 with as little obstruction to public travel as may be  
11 practicable, and shall at its own expense, without unneces-  
12 sary delay, cause the earth and pavements then removed  
13 by it to be replaced in proper condition.

SECT. 5. Said company may take and hold any lands  
2 necessary for flowage, and also for its dams, reservoirs,  
3 locks, gates, hydrants and other necessary structures, and  
4 may locate, lay and maintain sluices, aqueducts, pipes,  
5 hydrants and other necessary structures or fixtures in,  
6 over and through any lands for its said purposes, and  
7 excavate in and through such lands for such location, con-  
8 struction and maintenance. It may enter upon such lands  
9 to make surveys and locations, and shall file in the Reg-  
10 istry of Deeds for said county of Hancock plans of such  
11 location and lands, showing the property taken, and within  
12 thirty days thereafter publish notice of such filing in  
13 some newspaper in said county, such publication to be  
14 continued three weeks successively. Not more than two  
15 rods in width of land shall be occupied by any one line of  
16 pipe or aqueduct, and not more than two acres by any  
17 one reservoir.

SECT. 6. Should the said company and the owner of  
2 such land be unable to agree upon the damages to be paid  
3 for such location, taking, holding and construction, the  
4 land owner may, within twelve months after the filing  
5 of plans of location, apply to the commissioners of said  
6 county of Hancock and cause such damages to be assessed  
7 in the same manner, and under the same conditions, re-  
8 strictions and limitations as are by law prescribed in the  
9 case of damages by the laying out of highways, so far as  
10 such law is consistent with the provisions of this act. If  
11 said company shall fail to pay such land owner, or deposit  
12 for his use with the clerk of the county commissioners  
13 aforesaid, such sum as may be finally awarded as damages  
14 (with costs when recovered by him) within ninety days

15 after notice of final judgment shall have been received by  
16 the clerk of courts of said county, the said location shall  
17 be thereby invalid and said company forfeit all rights  
18 under the same as against such land owner. In case  
19 said company shall begin to occupy such lands before the  
20 rendition of final judgment, the land owner may require  
21 said company to file its bond to him with said county  
22 commissioners in sum and with such sureties as they ap-  
23 prove, conditioned for said payment or deposit. No ac-  
24 tion shall be brought against said company for such taking,  
25 holding and occupation until after such failure to pay or  
26 deposit as aforesaid.

SECT. 7. Any person suffering damage by the taking  
2 of water by said company as provided by this act may  
3 have his damages assessed in the manner provided in the  
4 preceding section, and payment therefor shall be made, in the  
5 same manner and with the same effect. No action shall be  
6 brought for the same until after the expiration of the time  
7 of payment. All damages suffered by George C. Lyman,  
8 or by his legal representatives, in property rights held  
9 by him in the waters of said Long Pond, under chapter  
10 six hundred and ten of the private and special laws of  
11 eighteen hundred and fifty-six, or in any other way, are  
12 understood to be included in this section and to be assessed  
13 under the same.

SECT. 8. Said corporation is hereby authorized to make  
2 contracts with the United States, and with corporations,  
3 and inhabitants of said town of Sullivan for the purpose  
4 of supplying water as contemplated by this act. And  
5 said town of Sullivan is hereby authorized by its select-  
6 men to enter into contract with said company for a supply

7 of water and for such exemption from public burdens as  
8 the said town of Sullivan and said company may agree,  
9 which, when made, shall be legal and binding on all parties  
10 thereto.

SECT. 9. Whoever shall wilfully or maliciously in any  
2 way corrupt the water of said pond or streams or any of  
3 the tributaries thereto, whether frozen or not, or shall  
4 wilfully or maliciously in any way render such waters im-  
5 pure, whether frozen or not, or whoever shall wilfully or  
6 maliciously injure any of the works of said company,  
7 shall be punished by fine not exceeding one thousand dol-  
8 lars, or by imprisonment not exceeding one year, and  
9 shall be liable to said company for three times the actual  
10 damage, to be recovered in any proper action.

SECT. 10. The capital stock of said company shall be  
2 twenty-five thousand dollars, which may be increased to  
3 one hundred thousand dollars by a vote of said company,  
4 and said stock shall be divided into shares of one hundred  
5 dollars each.

SECT. 11. Said company for all of its said purposes may  
2 hold real and personal estate necessary and convenient  
3 therefor, not exceeding in amount one hundred thousand  
4 dollars.

SECT. 12. Said company may issue its bonds for the  
2 construction of its works of any and all kinds upon such  
3 rates and time as it may deem expedient, not exceeding  
4 the sum of one hundred thousand dollars, and secure the  
5 same by mortgage of the franchise and property of said  
6 company.

SECT. 13. The first meeting of said company may be  
2 called by a written notice thereof, signed by any two cor-  
3 porators herein named, upon each corporator by giving  
4 him the same in hand, or by leaving the same at his last  
5 usual place of abode, seven days before the time of meet-  
6 ing.

SECT. 14. This act shall take effect when approved.

STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES. }  
February 26, 1885. }

Ordered printed on motion of Mr. CROSS of Bridgton.

NICHOLAS FESSENDEN, *Clerk.*