

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING THE SESSION

A. D. 1891.



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1892.

Sixty-Fifth Legislature.

SENATE.

No. 86.

STATE OF MAINE.

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

AN ACT to incorporate the Madison Water Company.

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

SECTION 1. Benjamin B. J. Weston, Weston Lewis,
2 Josiah S. Maxey, their associates, successors and assigns,
3 are hereby incorporated by the name of the Madison
4 Water Company, for the purpose of conveying to and
5 supplying the inhabitants of the towns of Madison and
6 Anson and of such parts of the towns of Starks and Nor-
7 ridgewock as may be within two miles of the Madison
8 and Anson toll bridge, with water for all domestic, sani-
9 tary and municipal purposes, including the extinguish-
10 ment of fires, with all the rights and privileges and sub-

11 ject to all the liabilities and obligations of similar corpora-
12 tions, under the general laws of this State.

SECT. 2. For the purposes aforesaid, said corporation
2 may flow, detain, collect, take, store, use and distribute
3 water from the Kennebec river, and may locate, construct
4 and maintain cribs, reservoirs, locks, gates, sluices, aque-
5 ducts, pipes, hydrants, and all other necessary structures
6 therefor.

SECT. 3. Said company is further authorized to erect
2 and maintain a dam on said river, within said towns, pro-
3 vided that suitable roll-ways shall be constructed, and
4 maintained in said dam by said company for the passage of
5 logs and lumber.

SECT. 4. Said company is authorized to lay, construct
2 and maintain in, under, through, along and across the
3 highways, ways, streets, railroads and bridges in said
4 towns, and to take up, replace and repair all such pipes,
5 hydrants and structures as may be necessary for the pur-
6 pose of its corporation; to enter upon and excavate any
7 highway or other way in such manner as least to obstruct
8 the same; to enter, pass over and excavate any lands; to
9 take and hold, by purchase or otherwise, any real estate,
10 rights of way or of water, and in general to do any acts
11 necessary, convenient or proper for carrying out any of
12 the purposes of this act.

SECT. 5. Said company shall have power to cross any
2 water course, private or public sewer, or to change the
3 direction thereof, when necessary for the purposes of its
4 incorporation, but in such manner as not to obstruct or
5 impair the use thereof.

SECT. 6. Said company is authorized to lay and maintain its pipes under, in and over the Kennebec river, and to build and maintain all necessary structures therefor.

SECT. 7. Said company shall file in the registry of deeds in the county of Somerset plans of the location of all land and water rights taken under the provisions of this act; and no entry shall be made on any lands, except to make surveys, until the expiration of ten days from said filing; and with such plan the said company may file a statement of the damages it is willing to pay to any person for any property so taken, and if the amount finally awarded does not exceed that sum the company shall recover costs against such person, otherwise such person shall recover costs against the company.

SECT. 8. Said corporation shall be held liable to pay all damages that shall be sustained by any persons by the taking of any lands, water, rights of way, or other property, or by excavating through any land, for the purpose of surveying for, locating, laying or building dams, canals, reservoirs, pipes, hydrants or other structures, by taking and holding any lands necessary for flowage, and for any other injuries resulting from said acts; and if any person sustaining damages as aforesaid, shall not agree with said corporation upon the sum to be paid therefor, either party, on petition to the county commissioners of Somerset county, within two years from the time said damages are sustained, may have said damages assessed by them, and subsequent proceedings and right of appeal thereon, shall be had in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in the case of damages by the laying out of highways. Failure

18 to apply for damages within said two years, shall be held
19 to a waiver of the same.

SECT. 9. Said company shall, in all cases be liable to
2 pay to said towns all sums recovered against said towns
3 for damages by reason of any defect in any highway, way
4 or street therein, occasioned by any fault or neglect of
5 said company, together with reasonable counsel fees and
6 costs incurred in defending such suits, with interest on the
7 same; provided, said company shall have notice of any
8 suit wherein such damages are claimed and shall be allowed
9 to defend the same at its own expense.

SECT. 10. Whoever shall wilfully or maliciously corrupt
2 the water of said river, whether frozen or not, after said
3 company shall commence taking the same, so as to render
4 the water taken by said company impure, and whoever
5 shall wilfully or maliciously injure any of the works of
6 said company, shall be punished by imprisonment not
7 exceeding two years, or by fine not exceeding one thou-
8 sand dollars, and shall be liable to said company in three
9 times the actual damage, to be recovered in an action on
10 the case.

SECT. 11. Said company is authorized to make con-
2 tracts with other corporations and with inhabitants of said
3 towns for a supply of water, and may establish written
4 regulations for the use of the same. The towns of Madi-
5 son and Anson and any village corporation within said
6 towns now or hereafter incorporated, are authorized to
7 enter into contract with said company for a supply of
8 water for fire and other purposes, for a term of years, and
9 for such exemption from public burden as may be agreed
10 upon, which, when agreed upon, shall be legal and bind-

MADISON WATER COMPANY.

11 ing upon the parties thereto. The said water company is
12 authorized to sell or lease any power not used by it.

SECT. 12. The capital stock of said company shall not
2 be less than thirty thousand dollars, which may, by vote of
3 said company, be increased to one hundred thousand dol-
4 lars, to be divided into shares of one hundred dollars each.
5 Said company may hold real or personal estate necessary
6 and convenient for its purposes aforesaid.

SECT. 13. For the purpose of carrying out the foregoing
2 provisions of either of them, said company is authorized to
3 issue its bonds from time to time in such form and amount
4 and on such time and rates as it may deem expedient, and
5 secure the same by appropriate mortgages of its property
6 and franchise.

SECT. 14. The first meeting of said company may be
2 called by a written notice thereof, signed by any two cor-
3 porators herein named, and served upon each corporator
4 by giving him the same in hand, or by leaving the same at
5 his last and usual place of abode, at least seven days before
6 the meeting.

SECT. 15. The said corporation is authorized to sell or
2 lease its property and franchise to the Maine Water Com-
3 pany, subject to all the limitations of the charter of the said
4 Maine Water Company, and with all the privileges thereby
5 conferred. The said Maine Water Company is authorized
6 to make said sale or lease.

SECT. 16. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, February 13, 1891.

Reported in the House from Committee on Legal Affairs and passed to
be engrossed.

In the Senate, laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*