

# 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.



AUGUSTA:

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1892.

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# Sixty-Fifth Legislature.

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SENATE.

No. 126.

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## STATE OF MAINE.

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

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AN ACT to incorporate the Phillips Water Company.

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

SECTION 1. F. E. Timberlake, W. A. D. Cragin, Joel  
2 Wilbur, J. H. Byron, N. U. Hinkley, Samuel Farmer,  
3 E. M. Robinson, C. M. Davis, T. M. Parker, J. W.  
4 Butterfield, N. B. Beal, Harry F. Beedy, Henry B.  
5 Palmer, Harry P. Dill, N. P. Noble, F. N. Beal, J. W.  
6 Brackett, with their associates and successors, are hereby  
7 made a corporation under the name of the Phillips Water  
8 Company, for the purpose of supplying the inhabitants of  
9 the towns of Phillips and Avon with suitable water for  
10 industrial, manufacturing, domestic, sanitary and muni-  
11 cipal purposes, including the extinguishment of fire ; with

12 all the rights and privileges, and subject to all the liabil-  
13 ities and obligations of similar corporations under the  
14 laws of this State.

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

SECT. 3. The said corporation is hereby authorized to  
2 lay, construct and maintain its lines of pipe under, in and  
3 over the Sandy river and any tributaries thereof in the  
4 said towns of Phillips and Avon and to build and maintain  
5 all necessary structures therefor, at such places as may be  
6 necessary for the said purposes of the said corporation;  
7 and to cross any water course, private or public sewer, or  
8 to change the direction thereof, where necessary for their  
9 said purposes of incorporation, but in such manner as not  
10 to obstruct or impair the use thereof, and the said corpor-  
11 ation shall be liable for any injury or damage caused  
12 thereby.

SECT. 4. The said corporation is hereby authorized to  
2 lay, construct and maintain in, under, through, along,  
3 over and across the highways, ways, streets, railroads and  
4 bridges in the said towns of Phillips and Avon, and to  
5 take up, replace and repair, all such aqueducts, pipes,  
6 hydrants and other structures and fixtures, as may be  
7 necessary and convenient for the said purposes of said

8 corporation ; and the said corporation shall be responsible  
9 for all damages to the said towns and to all corporations,  
10 persons and property, occasioned by such use of the said  
11 highways, ways and streets. Whenever the said corpora-  
12 tion shall lay down or construct any fixtures in any high-  
13 way, way or street, or make any alterations or repairs  
14 upon its works in any highway, way or street, it shall  
15 cause the same to be done with as little obstruction  
16 to public travel as may be practicable, and shall at its  
17 own expense, without unnecessary delay, cause the earth  
18 and pavement then removed by it, to be replaced in  
19 proper condition.

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

SECT. 6. Should the said corporation and the owner of  
2 any land required for the said purposes of incorpora-  
3 tion, be unable to agree upon the damages to be paid for  
4 such location, taking, holding and construction, the land  
5 owner may, within twelve months after the said filing  
6 of plans of location, apply to the commissioners of said  
7 county of Franklin, and cause such damages to be assessed  
8 in the same manner and under the same conditions, as are  
9 prescribed by law in the case of damages by the laying  
10 out of railroads. If the said corporation shall fail to pay  
11 such land-owner, or deposit for his use with the clerk of  
12 the County Commissioners aforesaid, such sums as may be  
13 finally awarded as damages, with cost when recovered by  
14 him, within ninety days after notice of final judgment  
15 shall have been received by the Clerk of Courts of the  
16 said county, the said location shall be thereby invalid and  
17 the said corporation shall forfeit all rights under the same,  
18 as against the owner of the land. The said corporation  
19 may make a tender to any land-owner damaged under the  
20 provisions of this act, and if such land-owner recovers  
21 more damages than was tendered him by the said corpora-  
22 tion, he shall recover cost, otherwise the said corpora-  
23 tion shall recover cost. In case the said corporation shall  
24 begin to occupy such land before the rendition of final  
25 judgment, the land-owner may require the said corporation  
26 to file its bond to him with the said County Commis-  
27 sioners, in such sum and with such sureties as they may  
28 approve, conditioned for the payment of the damages  
29 that may be awarded. No action shall be brought against  
30 the said corporation for such taking, holding and occupa-  
31 tion, until after such failure to pay or deposit as aforesaid.

32 Failure to apply for damages within the said twelve  
33 months, shall be held to be a waiver of the same.

SECT. 7. The said corporation is hereby authorized to  
2 make contracts with the United States, the State of  
3 Maine, the county of Franklin, the towns of Phillips and  
4 Avon, and Phillips Village Corporation in the said town  
5 of Phillips, and with the inhabitants thereof or any cor-  
6 porations doing business therein, for the supply of water  
7 and power for the purposes contemplated in this act; and  
8 the said towns and corporation by their proper officers,  
9 are hereby authorized to enter into contract with the said  
10 corporation for a supply of water for any and all purposes  
11 mentioned in this act, and for such exemption from public  
12 burdens as the said towns or Village Corporation and the  
13 said corporation may agree upon, which when made, shall  
14 be legal and binding upon all parties thereto.

SECT. 8. Whoever shall knowingly or maliciously cor-  
2 rupt the water supply of the said corporation, whether frozen  
3 or not, or in any way render such water impure, or whoever  
4 shall wilfully or maliciously injure any of the works of the  
5 said corporation, shall be punished by a fine not exceeding  
6 one thousand dollars, or by imprisonment not exceeding  
7 two years, and shall be liable to the said corporation for  
8 three times the actual damage, to be recovered in any  
9 proper action.

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

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

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

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

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





## STATE OF MAINE.

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IN SENATE, February 25, 1891.

Report by Mr. POWERS, from Committee on the Judiciary, and laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*