

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Sixty-Sixth Legislature.

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HOUSE.

No. 255.

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## STATE OF MAINE.

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

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AN ACT to incorporate the Warren Water Company.

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

SECTION 1. Thomas Walker, M. R. Mathews, N. B.  
2 Eastman, Edwin Smith, Joseph N. Vinal and Henry  
3 Vaughn, and such persons as they may associate with  
4 themselves in the enterprise, and their successors, are  
5 hereby incorporated into a corporation by the name of the  
6 Warren Water Company, for the purpose of supplying the  
7 town of Warren, in the County of Knox, and the inhabi-  
8 tants of said town with pure water for domestic, sanitary  
9 and municipal purposes, including extinguishment of fires.

SECT. 2. Said company for said purposes may flow,  
2 etain, collect, take, store, use and distribute water from  
3 Crawfords and Seven Tree ponds and Georges river in  
4 said Warren and in Union and from any springs in said  
5 Warren, and may locate, construct and maintain dams,  
6 cribs, reservoirs, locks, gates, sluices, aqueducts, pipes,  
7 hydrants and all other necessary structures therefor.

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

SECT. 4. Said company shall have power to cross any  
2 water course, private and public sewer, or to change the  
3 direction thereof when necessary for the purposes 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 fixture in any highway, or street, or  
8 make any alterations or repairs upon its work in any high-  
9 way, 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 unne-  
12 cessary delay, cause the earth and pavements there  
13 removed 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,  
8 construction and maintenance. It may enter upon such  
9 lands to make surveys and location, and shall file in the  
10 registry of deeds for said county of Knox, plans of such  
11 location and lands, showing the property taken, and  
12 within thirty days thereafter, publish notice of such filing  
13 in some newspaper in said county, such publication to be  
14 continued three weeks successively. Not more than one  
15 rod in width of land shall be occupied by one any 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  
3 paid for such location taking, holding and construction,  
4 the land owner may, within twelve months after said

5 filing of plans of location, apply to the commissioners of  
6 said County of Knox, and cause such damages to be  
7 assessed in the same manner and under the same condi-  
8 tions, restrictions and limitations as are by law prescribed  
9 in the case of damages by the laying out of highways, so  
10 far as such law is consistent with the provisions of this  
11 act. If said company shall fail to pay such land owner,  
12 or deposit for his use with the clerk of the county com-  
13 missioners aforesaid, such sum as may be finally awarded  
14 as damages, with costs when recovered by him, within  
15 ninety days after notice of final judgment shall have been  
16 received by the clerk of courts of said county, the said  
17 location shall be thereby invalid, and said company for-  
18 feit all rights under the same as against such land owner.  
19 Said company may make a tender to any land owner  
20 damaged under the provisions of this act, and if such land  
21 owner receives more damages than were tendered him  
22 by said company, he shall recover costs, otherwise said  
23 company shall recover costs. In case said company shall  
24 begin to occupy such lands before the rendition of final  
25 judgment, the land owner may require said company to  
26 file its bond to him with said county commissioners, in  
27 such sum and with such sureties as they approve, con-  
28 ditioned for said payment or deposit. No action shall be  
29 brought against said company for such taking, holding  
30 and occupation, until after such failure to pay or deposit  
31 as aforesaid. Damages caused by flowage are to be  
32 ascertained and paid in the same manner. Failure to

33 apply for damages within three years by the land owner,  
34 shall be held to be a waiver of the same.

SECT. 7. Any person suffering damage by the taking of  
2 water by said company as provided by this act, may have  
3 his damages assessed in the manner provided in the pre-  
4 ceding section, and payment therefor shall be made in the  
5 same manner and with the same effect. No action shall  
6 be brought for the same until after the expiration of the  
7 time of payment. And a tender by said company may be  
8 made with the same effect as in the preceding section.

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 Warren for the purpose of  
4 supplying water as contemplated by this act; and said  
5 town of Warren is hereby authorized to enter into con-  
6 tract with said company for a supply of water for public  
7 uses on such terms as the parties may agree, which when  
8 made, shall be legal and binding on all parties thereto,  
9 and said town of Warren for this purpose may raise  
10 money in the same manner as for other town charges.

SECT. 9. The capital stock of said company shall be  
2 five thousand dollars, which may be increased to five hun-  
3 dred thousand dollars by a vote of said company, and said  
4 stock shall be divided into shares of ten dollars each.

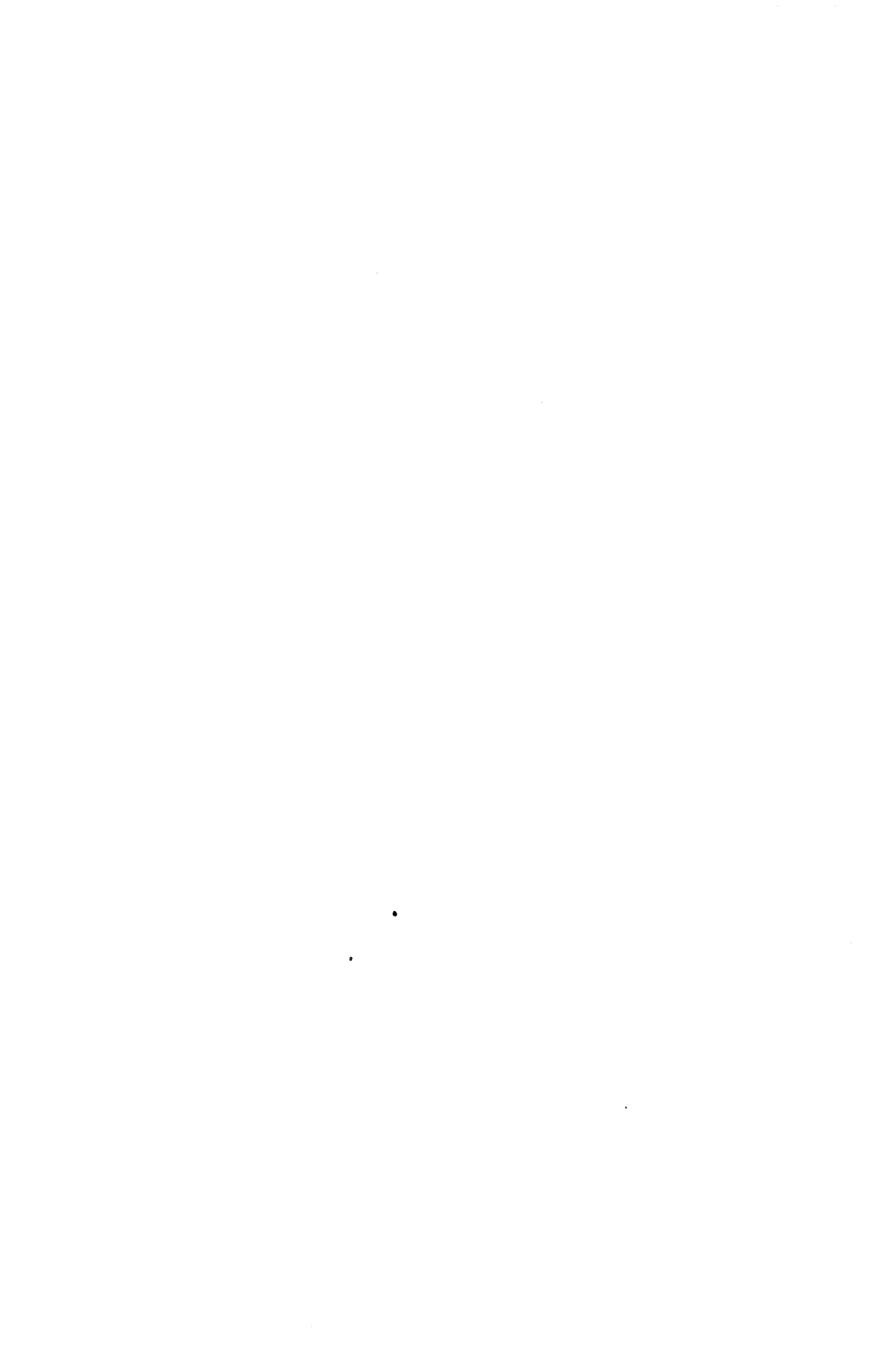
SECT. 10. Said company for all of its said purposes,  
2 may hold real and personal estate necessary and conven-  
3 ient therefor, not exceeding in amount five hundred thou-  
4 sand dollars.

SECT. 11. 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, to the amount  
4 not exceeding in all the sum of five hundred thousand dol-  
5 lars, and secure the same by mortgage of the franchise  
6 and property of said company, but the bonds issued shall  
7 not at any time exceed in amount, the capital stock of the  
8 company.

SECT. 12. The first meeting of said company may be  
2 called by a written notice thereof, signed by any corpora-  
3 tor herein named, served 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  
6 meeting.

SECT. 13. This act shall become null and void in two  
2 years from the day when the same shall take effect, unless  
3 said company shall have organized and commenced actual  
4 business under this charter.

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





STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
March 3, 1893. }

Reported by Mr. BIRD of Portland, from Committee on Judiciary,  
and ordered printed under joint rules.

W. S. COTTON, *Clerk.*