

MAINE STATE LEGISLATURE

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Sixty-Sixth Legislature.

HOUSE.

No. 358.

STATE OF MAINE.

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

AN ACT to incorporate the Newport Water Company.

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

SECTION 1. A. I. Harvey, C. H. Morrill, H. M.
2 Wardwell, F. A. Jones, H. H. Patten, and such persons
3 as they may associate with themselves in the enterpri-e,
4 are hereby incorporated into a corporation by the name
5 of the Newport Water Company, for the purpose of
6 supplying Newport village in the town of Newport, in
7 Penobscot county, and the vicinity of said village, with
8 pure water for domestic, sanitary and municipal purposes ;
9 also for manufacturing purposes.

SECT. 2. Said company for said purposes may detain,
2 take, store and distribute water from the Pillsbury cr
3 Nason pond (so called) situated partly in the town of
4 Newport, in the County of Penobscot, and partly in the

5 town of Palmyra, in the County of Somerset, and from
6 any streams flowing out of the same, and may locate,
7 construct and maintain dams, reservoirs, sluices, aque-
8 ducts and pipes therefor. Such aqueducts and pipes may
9 be located and constructed along and across any highway
10 or town way in said towns of Newport and Palmyra, in
11 such manner as the municipal officers of said towns may
12 approve.

SECT. 3. Said company may occupy any lands neces-
2 sary for its dams, reservoirs and other necessary build-
3 ings, and may locate and lay and maintain pipes in and
4 through any lands for said purposes, and excavate in and
5 through such lands for such location, construction and
6 maintenance. It may enter upon such lands to make
7 surveys and locations and shall file in the registry of
8 deeds in said counties of Penobscot and Somerset, plans
9 of such location and lands, and within thirty days there-
10 after publish notice thereof in some newspaper in each
11 of said counties, such publication to be continued three
12 weeks successively. Not more than two rods in width
13 of land shall be occupied by any pipe or aqueduct, and
14 not more than two acres by any reservoir.

SECT. 4. 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 and occupation and construction,
4 the land owner may, within twelve months after such
5 filing of plans of location, apply to the commissioners of
6 said counties and have such damages assessed by a com-
7 mittee or jury, as in the case of petitions for increase of
8 damages for land taken for highways. If said company
9 shall fail to pay such land owner, or deposit for his use,

10 with the clerk of the county commissioners, such sum as
11 may be finally awarded, as damages, with costs, within
12 sixty days after notice of final judgment shall have been
13 received by the clerk of courts, the said location shall be
14 thereby invalid, and the company forfeit all rights under
15 the same. If such land owner recovers more damages
16 than were tendered by said company, he shall recover
17 costs, otherwise the company shall recover costs. In
18 case said company shall begin to occupy such lands before
19 the rendition of final judgment, the land owner may
20 require said company to file its bond to him with the
21 county commissioners, in sum and with such securities as
22 they approve, conditioned for said payment or deposit.
23 Failure to apply for damages within said twelve months,
24 shall be held to be a waiver of the same. No action
25 shall be brought against said company for such taking
26 and occupation, until after such failure to pay or deposit
27 as aforesaid. Damages caused by flowage are to be
28 ascertained and paid in the same manner.

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

SECT. 6. The capital stock of said company shall be
2 the amount fixed by said company at its first meeting, not
3 exceeding fifty thousand dollars; but said capital stock
4 may at any regular or special meeting of said company
5 called for the purpose, by a vote of the majority of the

6 stockholders, be increased to a sum not exceeding fifty
7 thousand dollars.

SECT. 7. Said company may issue its bonds for the
2 constructions of its works, of any and all kinds, upon such
3 rates and times as it may deem expedient, not exceeding
4 the sum of fifty thousand dollars, and secure the same by
5 mortgage of the franchise and property of said company.

SECT. 8. The first meeting of said company may be
2 called by a written notice thereof, signed by any three
3 corporators herein named, served upon each corporator by
4 giving him the same in hand, or by leaving the same at
5 his last and usual place of abode, seven days before the
6 time of meeting.

SECT. 9. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 17, 1893.

Reported by Mr. PURINGTON of Minot, from Committee on Legal
Affairs, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*