

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Sixth Legislature.

HOUSE.

No. 360.

STATE OF MAINE.

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

AN ACT to incorporate the Warren Water Company.

*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, and Joseph N. Vinal, and such
3 persons as they may associate with themselves in the enter-
4 prise, and their successors, are hereby incorporated into
5 a corporation by the name of the Warren Water Company,
6 for the purpose of supplying the town of Warren, in the
7 County of Knox, and the inhabitants of said town with
8 pure water for domestic, sanitary and municipal purposes,
9 including extinguishment of fires.

SECT. 2. Said company, for said purposes, may retain,
2 collect, take, store, use and distribute water from Georges
3 river in said Warren, and from North and South ponds
4 and any springs within a radius of one and one-half miles
5 from the post office in said Warren, and may locate,
6 construct and maintain cribs, reservoirs, aqueducts, gates,
7 pipes, hydrants and all other necessary structures there-
8 for; but said company shall have no right to raise the
9 water of said ponds or river above the natural level
10 thereof.

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 so as not to unreasonably obstruct the same under such
8 reasonable restrictions and conditions as the select-
9 men of said towns may impose. And said company
10 shall be responsible for all damages to persons and pro-
11 perty occasioned by the use of such highways, ways and
12 streets, and shall further be liable to pay to said towns
13 all sums recovered against said towns for damages from
14 obstruction caused by said company, and for all expenses,
15 including reasonable counsel fees incurred in defending
16 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 unnec-
12 essary 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 reservoirs, gates, hydrants and other nec-
3 essary structures, and may locate, lay and maintain aque-
4 ducts, pipes, hydrants and other necessary structures
5 or fixtures in, over and through any lands for its said
6 purposes, and excavate in and through such lands for
7 such location, construction and maintenance. It may
8 enter upon such lands to make surveys and location, and
9 shall file in the registry of deeds for said County of Knox,
10 plans of such location and lands, showing the property
11 taken, and within thirty days thereafter, publish notice
12 of such filing in some newspaper in said county, such
13 publication to be continued three weeks successively.
14 Not more than one rod in width of land shall be occupied
15 by any one line of pipe or aqueduct, and not more than
16 two acres by any 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 recovers 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. Failure to apply for damages within three
32 years by the land owner, shall be held to be a waiver of
33 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.

HOUSE OF REPRESENTATIVES, }
March 17, 1893.

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

W. S. COTTON, *Clerk.*