

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Sixty-Sixth Legislature.

HOUSE.

No. 379.

STATE OF MAINE.

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

AN ACT to incorporate the Fort Popham Water Company.

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

SECTION 1. John H. Stacy of Phippsburg, Peleg O.
2 Vickery of Augusta, Galen C. Moses, David T. Percy,
3 Albert H. Shaw, Fritz H. Twitchell of Bath, their asso-
4 ciates and successors are hereby made a corporation by
5 the name of the Fort Popham Water Company, for the
6 purpose of conveying to and of supplying the inhabitants
7 of Fort Popham and vicinity in the town of Phippsburg,
8 with water for all domestic, sanitary, municipal purposes
9 with all the rights and privileges and subject to all the
10 liabilities and obligations of similar corporations under
11 the general laws of the State.

SECT. 2. Said corporation may take and hold, by pur-
2 chase or otherwise, real and personal estate necessary and

3 convenient for the purposes aforesaid, not exceeding fifty
4 thousand dollars.

SECT. 3. For any of the purposes aforesaid, or for the
2 preservation of the purity of said water, said corporation
3 is hereby authorized to take and use water from any
4 pond in said Phippsburg, to conduct aforesaid, to sur-
5 vey for, locate, lay, erect and maintain suitable dams,
6 reservoirs, machinery, pipes, aqueducts and fixtures; to
7 carry its pipes or aqueducts under or over any water
8 course, bridge, street, railroad, highway or other way;
9 and said corporation is further authorized to enter upon
10 and excavate any highway or other way, in such manner
11 at least to obstruct the same, to enter, pass over and
12 excavate any lands, and to take and hold, by purchase or
13 otherwise, any real estate, rights of way or of water, and
14 in general do any acts necessary, convenient or proper
15 for carrying out any of the purposes hereinbefore speci-
16 fied. And said corporation is further authorized for the
17 purpose of making all needed repairs or service connec-
18 tions, to lay its pipes through any public or private land
19 or ways, with the right to enter upon the same and dig
20 therein, and said corporation may establish written regu-
21 lations for the use of the water aforesaid, and change the
22 same from time to time.

SECT. 4. Said corporation shall file in the registry of
2 deeds, in the County of Sagadahoc, plans of the location
3 of all land and water rights taken under the provisions of
4 this act; and no entry shall be made on any lands except
5 to make surveys, until the expiration of ten days from
6 said filing; and with such plan the said corporation may
7 file a statement of the damages it is willing to pay to any

8 person for the property so taken, and if the amount
9 finally awarded does not exceed that sum, said corpora-
10 tion shall recover costs against said person, otherwise such
11 person shall recover costs against said corporation.

SECT. 5. Said corporation shall be held liable to pay all
2 damages that shall be sustained by any persons, to them-
3 selves or their property, occasioned by the use of such
4 streets and ways, and shall pay to said town all sums
5 recovered against said town for damages from obstructions
6 caused by said corporation, and for all expenses including
7 reasonable counsel fees incurred in defending said suits
8 with interest on the same, but said corporation may
9 assume the defense of all suits brought to recover damages
10 as aforesaid; and also for all damages sustained by any
11 persons by the taking of any lands, water, right of way,
12 or other property, or by excavating through any land for
13 the purpose of surveying, locating, laying or building
14 dams, reservoirs, pipes, aqueducts and for any other
15 injuries resulting from said acts, and if any person sus-
16 taining damage as aforesaid, shall not agree with said
17 corporation upon the sum to be paid therefor, either party
18 on petition to the county commissioners of Sagadahoc
19 county, within twelve months after said plans are filed,
20 may have said damage assessed by them and subsequent
21 proceedings, and right of appeal thereon, shall be had in
22 the same manner and under the same conditions, restric-
23 tions and limitations, as are by law prescribed in the case
24 of damages by the laying out of highways. Failure to
25 apply for damages within twelve months shall be held to
26 be a waiver of the same.

SECT. 6. Said corporation is hereby authorized to lay
2 down and maintain in and through the streets and high-
3 ways of the town aforesaid all such pipes, aqueducts and
4 fixtures, as may be necessary for the purposes hereinbefore
5 specified. Said Phippsburg is hereby authorized to con-
6 tract with said corporation for a supply of said water, for
7 fire or for other purposes, for a term of years, and at the
8 expiration of such contract to change or renew the same.

SECT. 7. The capital stock of said corporation shall
2 not exceed one hundred thousand dollars.

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

SECT. 9. Said corporation is hereby authorized to issue
2 bonds not exceeding in amount one-half of its capital
3 stock, the same to be the first lien upon its franchise and
4 property.

SECT. 10. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 22, 1893. }

Reported by Mr. DREW of Fort Fairfield, from Committee on Judi-
ciary, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*