

# MAINE STATE LEGISLATURE

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# Sixty-Sixth Legislature.

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SENATE.

48.

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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 relating to the Freeport Water Company.

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

SECTION 1. The organization of the Freeport Water  
2 Company under the general laws of the State, as recorded  
3 in the book of corporations in the office of the secretary  
4 of State, in volume sixteen, page three hundred seventy-  
5 three, is hereby confirmed and made valid, and said com-  
6 pany is hereby declared to be a corporation for the  
7 purposes therein specified, and all the acts and doings of  
8 said company since the filing of the certificate thereof in  
9 the secretary of State's office, are made valid as acts of  
10 such corporation, the same as if incorporated by a special  
11 act, with all the rights and privileges and subject to all

12 the duties, obligations and liabilities of such corporations.

SECT. 2. Said corporation may take and hold, by purchase or otherwise, real and personal estate necessary and convenient for the purposes aforesaid, not exceeding one hundred thousand dollars in amount.

SECT. 3. For the purposes aforesaid, or for the preservation and purity of said water, said corporation is hereby authorized to take and use water from "Frost's Gully Brook," so called, in said town of Freeport, and to conduct and distribute the same in and through the town of Freeport and adjoining towns; to survey for, locate, lay, erect and maintain suitable dams, reservoirs and machinery, pipes, aqueducts and fixtures; to carry its pipes or aqueducts under or over any water course, bridge, street, railroad, highway or other way; to enter upon and excavate any highway, or other way, in such manner as least to obstruct the same; to enter, pass over and excavate any lands; and to take and hold by purchase or otherwise, any real estate, rights of way or of water, and in general do any acts necessary, convenient or proper for carrying out any of the purposes of its incorporation. And said corporation is further authorized, for the purpose of making all needed repairs or service connections, to lay its pipes through any public or private lands or ways, with the right to enter upon the same and dig therein; but no entry shall be made on any private lands or ways, except to make surveys, until said corporation shall file in the registry of deeds in the County of Cum-

24 berland, plans of the location of all lands and water rights  
25 which it may wish to take under the provisions of this  
26 act, nor until the expiration of ten days from such filing ;  
27 and with such plan, the corporation may file a statement  
28 of the damages it is willing to pay to any person for any  
29 property so taken, and if the amount awarded finally,  
30 does not exceed that sum, the company shall recover  
31 costs against such person, otherwise such person shall  
32 recover costs against the company.

SECT. 4. Said corporation shall be held liable to pay all  
2 damages that shall be sustained by any persons by the  
3 taking of any land, water, right of way or other property,  
4 or by excavating through any land for the purpose of  
5 surveying, locating, laying or building dams, reservoirs,  
6 pipes, aqueducts and other necessary fixtures, and for  
7 any other injuries resulting from said acts ; and if any  
8 person sustaining damages as aforesaid, shall not agree  
9 with said corporation upon the sum to be paid therefor,  
10 either party, upon petition to the county commissioners  
11 of Cumberland county, within twelve months after said  
12 plans are filed, may have said damages assessed by them,  
13 and subsequent proceedings and right of appeal thereon,  
14 shall be had in the same manner, and under the same con-  
15 ditions, restrictions, and limitations as are by law pre-  
16 scribed in the case of damages by the laying out of  
17 highways. Failure to apply for damages within said  
18 twelve months shall be held to be a waiver of the same.

SECT. 5. Said corporation is hereby authorized to lay  
2 down and maintain in and through the streets and ways of  
3 said town of Freeport and adjoining towns, all such pipes,  
4 aqueducts and fixtures as may be necessary for the pur-  
5 poses hereinbefore mentioned. Said company shall have  
6 power to cross any water-course, private or public sewer,  
7 or to change the direction thereof where necessary for the  
8 purposes of its incorporation, but in such manner as not to  
9 obstruct or impair the use thereof.

SECT. 6. Said company shall in all cases be liable to  
2 pay to said town all sums recovered against said town  
3 for damages which may be recovered against it by reason  
4 of any defect in any highway, way, or street therein,  
5 occasioned by any fault or neglect of said company,  
6 together with reasonable council fees and costs made in  
7 defending any suit for damages as aforesaid, with interest  
8 on the same, provided, said company shall have notice of  
9 any suit wherein such damages shall be claimed, and shall  
10 be allowed to defend the same at its own expense.

SECT. 7. Said company may establish and fix from  
2 time to time, rates for the use of water and collect the  
3 same. Said town of Freeport is hereby authorized to  
4 enter into a contract with said company for a supply of  
5 water for all municipal purposes, which, when made,  
6 shall be legal and binding upon all parties thereto; and  
7 all the votes, acts and doings of said town heretofore  
8 performed for procuring such supply of water, and all  
9 contracts and agreements made by the municipal officers

10 of said town in relation thereto, and more particularly its  
11 contract entered into with Edmund B. Mallet, Jr., his  
12 associates, successors and assigns, bearing date May 23,  
13 A. D. 1891, which contract has been assigned to and  
14 assumed by said Freeport Water Company, are hereby  
15 confirmed and made valid.

SECT. 8. The acts of said corporation in issuing bonds  
2 and securing the same by a first mortgage upon its pro-  
3 perty and franchise, which mortgage is recorded in the  
4 Registry of Deeds of Cumberland county, are hereby made  
5 valid.

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







STATE OF MAINE.

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IN SENATE, February 13, 1893.

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

KENDALL M. DUNBAR, *Secretary.*