

MAINE STATE LEGISLATURE

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Sixty-Seventh Legislature.

HOUSE.

No. 355.

STATE OF MAINE.

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

AN ACT to incorporate the Yarmouth Water Company.

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

SECTION 1. Lorenzo L. Shaw, Alfred T. Small, John
2 H. Humphrey and George W. Hammond of Yarmouth,
3 with their associates and successors, are hereby made a
4 corporation by the name of the Yarmouth Water Company,
5 for the purpose of supplying the inhabitants of Yarmouth
6 with suitable water for domestic, sanitary and municipal
7 purposes, including extinguishment of fires, with all the
8 rights and privileges, and subject to all the liabilities and
9 obligations of similar corporations, under the general laws
10 of this state.

SECT. 2. For any of the purposes aforesaid, or for the
2 preservation and purity of said water, said corporation is
3 hereby authorized to take and use water from the Royal

4 river, or from any spring, pond, brook or other water in
5 the towns of Yarmouth and New Gloucester, or from any
6 brook or pond in the town of North Yarmouth, to conduct
7 and distribute the same into and through the said town of
8 Yarmouth; to survey for, locate, lay, erect and maintain
9 suitable dams, reservoirs and machinery, pipes, aqueducts
10 and fixtures; to carry its pipes or aqueducts under, in
11 and over the Royal river, so-called, or under or
12 over any water course, bridge, street, railroad, high-
13 way or other way; and said corporation is further
14 authorized to enter upon and excavate any highway, or
15 other way, in such manner as least to obstruct the same
16 and shall leave such ways in as safe and passable condi-
17 tion as before such excavation; to enter, pass over and
18 excavate any lands, and to take and hold by purchase or
19 otherwise, any real estate, rights of way or of water, and
20 in general to do any acts necessary, convenient or proper,
21 for carrying out any of the purposes hereinbefore speci-
22 fied. And said corporation is further authorized, for the
23 purpose of making all needed repairs or extension or ser-
24 vice connections, to lay its pipes through any public or
25 private lands or ways, with the right to enter upon the
26 same or dig therein, and said corporation may make writ-
27 ten regulations for the use of said water, and change the
28 same from time to time.

SECT. 3. Said corporation may take and hold by lease
2 or purchase, real or personal estate necessary and conven-
3 ient for the purposes aforesaid, not exceeding fifty thou-
4 sand dollars.

SECT. 4. Said corporation shall be held liable to pay
2 all damages that shall be sustained by any person or cor-

3 poration by the taking of any land, water or other
4 property, or by excavating through any land for the pur-
5 pose of laying down pipes and aqueducts or building any
6 reservoir, stand pipe, or other structures herein author-
7 ized to be built, and also damages for any injury result-
8 ing from said acts, and if any person sustaining damages
9 as aforesaid and said corporation cannot mutually agree
10 upon the sum to be paid therefor, such damages may be
11 ascertained in the same manner and under the same con-
12 ditions and restrictions and limitations as are by law
13 prescribed in the case of damages by the laying out of
14 railroads.

SECT. 5. The capital stock of said corporation shall not
2 exceed fifty thousand dollars, and shall be divided into
3 shares of fifty dollars each, and any manufacturing corpo-
4 ration doing business in said Yarmouth, is hereby auth-
5 orized to subscribe for and to hold stock in said Yarmouth
6 Water Company. Said corporation is hereby authorized
7 to contract with any corporation in said town to furnish
8 power and other conveniences to carry out the purpose of
9 this corporation.

SECT. 6. Said corporation is hereby authorized to make
2 contracts with the United States and with the county of
3 Cumberland and town of Yarmouth and with other
4 corporations and persons for the purpose of supply-
5 ing water as contemplated by this act, and said town of
6 Yarmouth by its selectmen is hereby authorized to sign
7 and execute any contract that may be entered into by the
8 inhabitants of said town at any meeting legally called for
9 that purpose, for a term of years with said company for a

10 supply of water for fire and other municipal purposes to
11 said town.

SECT. 7. Said corporation may issue its bonds to an
2 amount not exceeding fifty thousand dollars for the con-
3 struction of its works, at such rates, and for such times as
4 it may deem expedient and secure the same by mortgage
5 upon its franchise and property, but the bonds issued shall
6 not at any time exceed in amount the capital stock of the
7 company, issued at that time.

SECT. 8. In case any person injured by the taking of
2 any land or other property for any of the purposes named
3 herein and said corporation are unable to agree upon the
4 amount of damages to be paid for said injury, said company
5 may make a tender to any such person of any sum for such
6 damages, and if such person recovers more damages than
7 were tendered to him by said company, he shall recover
8 costs, otherwise said company shall recover costs against
9 said person. Failure, however, to apply for damages as
10 aforesaid within one year from the time said damages are
11 sustained shall be held to be a waiver of the same.

SECT. 9. The first meeting of said company may be
2 called by a written notice thereof signed by any other incor-
3 porator, served upon each incorporator by giving in hand
4 or leaving the same at his last and usual place of abode
5 seven days before the time of the meeting, and said first
6 meeting shall be called and held in said town of Yarmouth.

SECT. 10. The town of Yarmouth may obtain, by pur-
2 chase or otherwise, and hold, the stock and bonds of this
3 corporation, or may enter into negotiations with the Yar-
4 mouth Water Company for the purchase of its charter, and
5 when obtained, may succeed to all the rights, privileges.

6 and franchises herein granted, which may be exercised in
7 such manner as may be determined by the inhabitants of
8 said town.

SECT. 11. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 13, 1895. } *FILE*

Reported by Mr. HILL of Portland, from Committee on Legal Affairs,
and ordered printed under house rules.

W. S. COTTON, *Clerk.*