

# MAINE STATE LEGISLATURE

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# Sixty-Seventh Legislature.

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SENATE.

No. 173.

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## STATE OF MAINE.

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

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AN ACT to incorporate the North Berwick Water Com-  
pany.

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

SECTION 1. William B. Tobey, John B. Russell, Rich-  
2 ard Henry Hurd, Daniel A. Hurd and Charles W. Green-  
3 leaf of North Berwick, in York county, their associates,  
4 successors, and assigns, are hereby incorporated by the  
5 name of the North Berwick Water Company, for the pur-  
6 pose of supplying the village of North Berwick in the  
7 county of York, and the inhabitants of said North Ber-  
8 wick with pure water for industrial, manufacturing, do-  
9 mestic, sanitary and municipal purposes, including extin-  
10 guishment of fires.

SECT. 2. Said company, for said purposes, may detain,  
2 collect, take, store, use and distribute water from Ell Pond

3 in Sanford, Wells and North Berwick or any other water  
4 source or sources, within a radius of five miles of North  
5 Berwick village.

SECT. 3. Said company is authorized to lay, construct  
2 and maintain in, under, through, along and across the  
3 highway, ways, streets, railroads and bridges in said vil-  
4 lage, and to take up, replace and repair all such sluices,  
5 aqueducts, pipes, hydrants and structures as may be nec-  
6 essary for the purposes of their incorporation, under such  
7 reasonable restrictions and conditions as the selectmen  
8 may impose. And said company shall be responsible for  
9 all damages to all corporations, persons and property oc-  
10 casioned by the use of such highway, ways, and streets,  
11 and shall further be liable to pay to said town, all sums  
12 recovered against said town, for damages from obstruc-  
13 tions caused by said company, and for all expenses, in-  
14 cluding reasonable counsel fees incurred in defending such  
15 suits, with interest on the same.

SECT. 4. Said company shall have power to cross any  
2 water course, private or public sewer, or to change the  
3 direction thereof when necessary for the purpose 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, way or street,  
8 or make any alterations or repairs upon its works in any  
9 highway, way or streets, it shall cause the same to be done  
10 with as little obstruction to public travel as may be prac-  
11 ticable and shall, at its own expense, without unnecessary  
12 delay, cause the earth and pavements thus removed by it,  
13 to be placed in proper condition.

SECT. 5. Said company is hereby authorized to lay, 2 construct and maintain its pipes under the highway, ways 3 and streets and to build and maintain all necessary struc- 4 tures therefor.

SECT. 6. Said company may take and hold any lands 2 necessary for reservoirs, hydrants and other necessary 3 structures, and may locate, lay and maintain pipes, 4 hydrants, and other necessary structures or fixtures in, 5 over and through any land for its purposes, and excavate 6 in and through such lands for such locations, constructions 7 and maintenance. It may enter upon such lands to make 8 surveys and locations, and shall file in the registry of deeds 9 in said county of York, plans of such locations and lands, 10 showing the property taken ; and within thirty days there- 11 after, publish notice of such filing in some newspaper in 12 said county, such publication to be continued for three 13 weeks successively. Not more than two rods in width of 14 land shall be occupied with any one line of pipe or aque- 15 duct, and not more than one acre by any one reservoir.

SECT. 7. Should the said company and the owner of 2 such land be unable to agree upon the damages to be paid 3 for such location, taking, holding and construction, the 4 land owner may, within twelve months after said filing of 5 plans of location, apply to the commissioners of said coun- 6 ty of York, and cause such damages to be assessed in the 7 same manner and under the same conditions, restrictions 8 and limitations as are by law prescribed in the case of 9 damages by the laying out of highways, so far as such 10 law is consistent with the provisions of this act ; if said 11 company shall fail to pay such land owner, or deposit for 12 his use with the clerk of courts of the county, the said 13 location shall be thereby invalid, and said company for-

14 feits all rights under the same, as against such land own-  
15 er. Said company may make a tender to any land owner  
16 damaged under the provisions of this act, and if such land  
17 owner recovers more damages than were tendered him by  
18 said company, he shall recover costs, otherwise the com-  
19 pany shall recover costs. In case said company shall  
20 begin to occupy such lands before the rendition of final  
21 judgment, the land owner may require said company to  
22 file its bond to him with said county commissioners, in  
23 such sum and with such sureties as they approve, condi-  
24 tioned for said payment or deposit. No action shall be  
25 brought against said company for such taking, holding  
26 and occupation, until after such failure to pay or deposit  
27 as aforesaid.

SECT. 8. Any person or corporation suffering damage  
2 by the taking and diverting of water by said company as  
3 provided by this act, may have his damages assessed in  
4 the manner provided in the preceding section, and pay-  
5 ment therefor shall be made in the same manner and with  
6 the same effect. No action shall be brought for the same  
7 until after the expiration of the time of payment. And a  
8 tender by said company may be made with the same  
9 effect as in the preceding section.

SECT. 9. Said corporation is hereby authorized to make  
2 contracts with corporations and inhabitants of said village  
3 of North Berwick for the purpose of supplying water as  
4 contemplated by this act. And said village of North Ber-  
5 wick is hereby authorized by its select-men to enter into  
6 contract with said company for a supply of water for any  
7 and all purposes mentioned in this act, and for such  
8 exemption from public burden as said village and said

9 company may agree, which, when made, shall be legal and  
10 binding upon all parties thereto.

SECT. 10. The capital stock of said company shall not  
2 exceed one hundred thousand dollars.

SECT. 11. Said company for all of its said purposes,  
2 may hold real and personal estate necessary and convenient  
3 therefor, not exceeding in amount one hundred thousand  
4 dollars.

SECT. 12. 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, not exceeding the  
4 sum of one hundred thousand dollars, and secure the same  
5 by mortgage of the franchise and property of said company.

SECT. 13. The first meeting of said company may be  
2 called by a written notice thereof, signed by any three cor-  
3 porators herein named, served upon each corporator by  
4 giving him the same in hand or by leaving the same at his  
5 last usual place of abode, seven days before the time of  
6 meeting.

SECT. 14. This act shall become null and void in two  
2 years from the time when the same takes effect, unless the  
3 corporation shall have organized and commenced the con-  
4 struction of its works under this charter.

SECT. 15. This act shall take effect when approved.



STATE OF MAINE.

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IN SENATE, February 28, 1895.

Reported by Mr. HARLOW, from Committee on Legal Affairs, and laid  
on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary.*