

MAINE STATE LEGISLATURE

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Sixty-Eighth Legislature.

HOUSE.

• No. 121.

STATE OF MAINE.

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

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. William F. Wight, K. F. Wight, A. J. Wight,
2 B. J. Whittier and J. T. Robinson, their associates, succes-
3 sors and assigns, are hereby made a corporation by the name
4 of the Warren Water Company, for the purpose of supplying
5 the town of Warren, in the county of Knox, and the inhab-
6 itants of said town, with pure water for domestic, sanitary
7 and municipal purposes, including extinguishment of fires.

Sect. 2. Said company, for said purposes, may retain, collect,
2 take, store, use and distribute water from any springs within
3 a radius of two miles from the post office in said Warren,

4 except such springs as are in actual use for supplying water
5 for domestic purposes, and may locate, construct and main-
6 tain cribs, reservoirs, aqueducts, gates, pipes, hydrants and
7 all other necessary structures therefor.

Sect. 3. Said company is hereby authorized to lay, con-
2 struct and maintain in, under, through, along and across the
3 highways, ways, streets and bridges in said town and to take
4 up, replace and repair all such sluices, aqueducts, pipes,
5 hydrants and structures as may be necessary for the purposes
6 of its incorporation, so as not to unreasonably obstruct the
7 same, under such reasonable restrictions and conditions as
8 the selectmen of said town may impose. It shall be responsi-
9 ble for all damages to persons and property occasioned by the
10 use of such highways, ways and streets, and shall further
11 be liable to pay to said town all sums recovered against said
12 town for damages for obstruction caused by said company,
13 and for all expenses, including reasonable counsel fees,
14 incurred in defending such suits, with interest on the same,
15 provided said company shall have notice of such suits and
16 opportunity to defend the same. In case any pipes are laid
17 across the right of way of any railroad company, if unable
18 to agree with such railroad company as to place, manner
19 and conditions of crossing its railroad with such pipes, the
20 place, manner and conditions of such crossing shall be deter-
21 mined by the railroad commissioners and all work within
22 the limits of the railroad location shall be done under the
23 supervision and to the satisfaction of the officers and agents

24 of said railroad company, but at the expense of said water
25 company.

Sect. 4. Said company shall have power to cross any water
2 course, private and public sewer, or to change the direction
3 thereof when necessary for the purposes of its incorporation,
4 but in such manner as not to obstruct or impair the use
5 thereof, and it shall be liable for any injury caused thereby.
6 Whenever said company shall lay down any fixture in any
7 highway, way or street, or make any alterations or repairs
8 upon its works in any highway, way or street, it shall cause
9 the same to be done with as little obstruction to public travel
10 as may be practicable, and shall at its own expense, without
11 unnecessary delay, cause the earth and pavements there
12 removed by it to be replaced in proper condition.

Sect. 5. Said company may take and hold any springs as
2 limited in section two, and also any lands necessary therefor
3 and for reservoirs, and other necessary structures, and may
4 locate, lay and maintain aqueducts, pipes, hydrants and
5 other necessary structures or fixtures in, over and through
6 any lands for its said purposes, and excavate in and through
7 such lands for such location, construction and maintenance.
8 It may enter upon such lands to make surveys and location,
9 and shall file in the registry of deeds for said county of Knox,
10 plans of such location and lands, showing the property taken,
11 and within thirty days thereafter, publish notice of such filing
12 in some newspaper in said county, such publication to be
13 continued three weeks successively. Not more than one rod

14 in width of land shall be occupied by any one line of pipe or
15 aqueduct.

Sect. 6. Should the said company and the owner of such
2 land so taken be unable to agree upon the damages to be
3 paid for such location, taking, holding and construc-
4 tion, the land owner may, within twelve months after said
5 filing of plans of location, apply to the commissioners of said
6 county of Knox, and cause such damages to be assessed in
7 the same manner and under the same conditions, restrictions
8 and limitations as are by law prescribed in the case of dam-
9 ages by the laying out of highways, so far as such law is
10 consistent with the provisions of this act. If said company
11 shall fail to pay such land owner, or deposit for his use with
12 the clerk of the county commissioners aforesaid, such sum
13 as may be finally awarded as damages, with costs when
14 recovered by him, within ninety days after notice of final
15 judgment shall have been received by the clerk of courts of
16 said county, the said location shall be thereby invalid, and
17 said company forfeit all rights under the same as against
18 such land owner. Said company may make a tender to any
19 land owner damaged under the provisions of this act, and if
20 such land owner recovers more damages than were tendered
21 him by said company, he shall recover costs, otherwise said
22 company shall recover costs. In case said company shall
23 begin to occupy such lands before the rendition of final
24 judgment, the land owner may require said company to file
25 its bond to him with said county commissioners, in such sum

26 and with such sureties as they approve, conditioned for said
27 payment or deposit. No action shall be brought against
28 said company for such taking, holding and occupation, until
29 after such failure to pay or deposit as aforesaid. Failure
30 to apply for damages within three years by the land owner,
31 shall be held to be a waiver of the same.

Sect. 7. Any person suffering damage by the taking of
2 water by said company as provided by this act, may have his
3 damages assessed in the manner provided in the preceding
4 section, and payment therefor shall be made in the same
5 manner and with the same effect. No action shall be
6 brought for the same until after the expiration of the time
7 of payment. And a tender by said company may be made
8 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 town
5 of Warren by its selectmen, or any village corporation
6 therein, by its assessors, is hereby authorized to enter into
7 contract with said company for a supply of water for public
8 uses on such terms and for such time as the parties may
9 agree, which when made, shall be legal and binding on all
10 parties thereto, and said town of Warren for this purpose
11 may raise money in the same manner as for other town
12 charges. Said corporation is further authorized to sell water
13 to any incorporated water company with the pipes of which
14 the pipes of said Warren Water Company may connect.

Sect. 9. The capital stock of said company shall not
2 exceed fifty thousand dollars, and said stock shall be divided
3 into shares of one hundred dollars each.

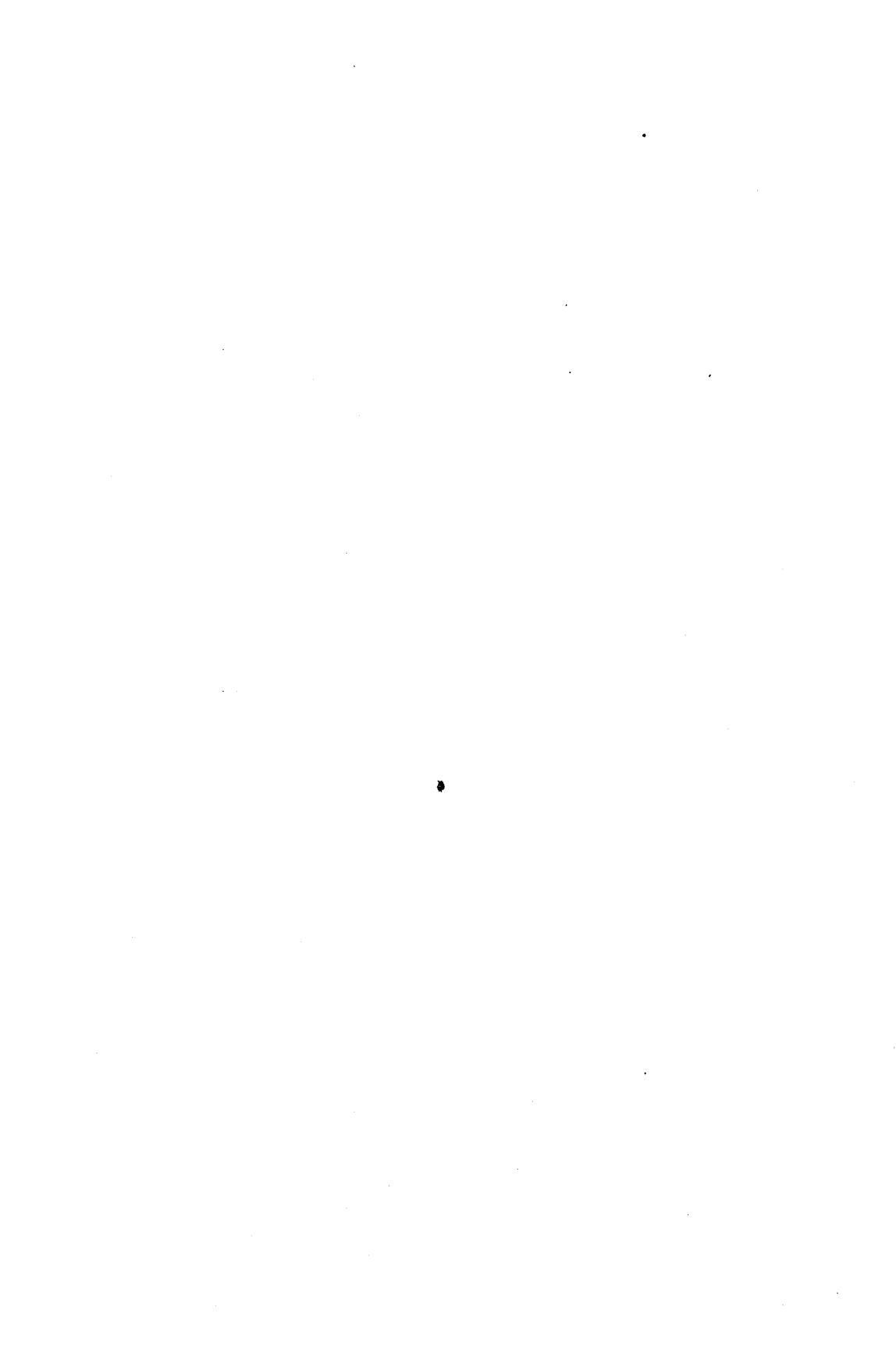
Sect. 10. Said company for all of its said purposes, may
2 hold real and personal estate necessary and convenient
3 therefor, not exceeding in amount two hundred thousand
4 dollars.

Sect. 11. Said company may issue its bonds for the con-
2 struction of its works of any and all kinds upon such rates
3 and time as it may deem expedient, to an amount not exceed-
4 ing in all the capital stock of said corporation subscribed for,
5 and secure the same by mortgage or mortgages of the fran-
6 chise and property of said company.

Sect. 12. The first meeting of said company may be called
2 by a written notice thereof, signed by any corporator herein
3 named, served upon each corporator by giving him the same
4 in hand, or by leaving the same at his last usual place of
5 abode, seven days before the time of meeting.

Sect. 13. This act shall become null and void in two years
2 from the day when the same shall take effect, unless said
3 company shall have organized and commenced actual busi-
4 ness under this charter.

Sect. 14. This act shall take effect when approved.



STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

February 18, 1897.

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

W. S. COTTON, *Clerk.*