

MAINE STATE LEGISLATURE

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Sixty-Ninth Legislature.

HOUSE.

No. 157.

STATE OF MAINE.

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

AN ACT to incorporate the Searsport Water Company.

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

Section 1. J. W. Black, F. I. Mortland, Fred Atwood,
2 C. E. Adams, C. F. Gordon, J. H. Kneeland, their associates,
3 successors and assigns, are hereby made a corporation by the
4 name of the Searsport Water Company, for the purpose of
5 supplying the town of Searsport, in the county of Waldo, and
6 the inhabitants of said town, with pure water for domestic,
7 sanitary and municipal purposes, including extinguishment
8 of fires.

Sect. 2. Said company, for said purposes, may retain, col-
2 lect, take, store, use and distribute water from any springs,
3 except such springs as are in actual use for domestic purposes,

4 ponds, streams, or other water sources in said Searsport, or
5 from Boyd's pond in Stockton Springs, and may locate, con-
6 struct and maintain cribs, reservoirs, aqueducts, gates, pipes,
7 hydrants and 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, railroads and bridges in said towns,
4 and to take up, replace and repair all such sluices, aqueducts,
5 pipes, hydrants and structures as may be necessary for the
6 purposes of its incorporation, so as not to unreasonably ob-
7 struct the same, under such reasonable restrictions and con-
8 ditions as the selectmen of said towns may impose. It shall
9 be responsible for all damages to persons and property occa-
10 sioned by the use of such highways, ways and streets, and shall
11 further be liable to pay to said town all sums recovered
12 against said towns for damages for obstruction caused by said
13 company, and for all expenses, including reasonable counsel
14 fees incurred in defending such suits, with interest on the
15 same, provided said company shall have notice of such suits
16 and opportunity to defend the same.

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 there-
5 of, 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 re-
12 moved by it to be replaced in proper condition.

Sect. 5. Said company may take and hold any waters as
2 limited in section two and also any lands necessary for reser-
3 voirs, and other necessary structures, and may locate, lay and
4 maintain aqueducts, pipes, hydrants and other necessary
5 structures or fixtures in, over and through any lands for its
6 said purposes, and excavate in and through such lands for
7 such location, construction and maintenance. It may enter
8 upon such lands to make surveys and location, and shall file
9 in the registry of deeds for said county of Waldo, plans of
10 such location and lands, showing the property taken, and
11 within thirty days thereafter, publish notice of such filing in
12 some newspaper in said county, such publication to be con-
13 tinued three weeks successively. Not more than one rod in
14 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 paid
3 for such location, taking, holding and construction, the land
4 owner may, within twelve months after said filing of plans of
5 location, apply to the commissioners of said county of Waldo,
6 and cause such damages to be assessed in the same manner
7 and under the same conditions, restrictions and limitations
8 as are by law prescribed in the case of damages by the laying
9 out of highways, so far as such law is consistent with the pro-
10 visions of this act. If said company shall fail to pay such
11 land owner, or deposit for his use with the clerk of the county
12 commissioners aforesaid, such sum as may be finally
13 awarded as damages, with costs when recovered by him,
14 within ninety days after notice of final judgment shall have
15 been received by the clerk of courts of said county, the said
16 location shall be thereby invalid, and said company forfeit all
17 rights under the same as against such land owner. Said
18 company may make a tender to any land owner damaged

19 under the provisions of this act, and if such land owner
20 recovers more damages than were tendered him by said com-
21 pany, he shall recover costs, otherwise said company shall
22 recover costs. In case said company shall begin to occupy
23 such lands before the rendition of final judgment, the land
24 owner may require said company to file its bond to him with
25 said county commissioners, in such sum and with such sure-
26 ties as they approve, conditioned for said payment or deposit.
27 No action shall be brought against said company for such
28 taking, holding and occupation, until after such failure to
29 pay or deposit as aforesaid. Failure to apply for damages
30 within three years by the land owner, shall be held to be a
31 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 man-
5 ner and with the same effect. No action shall be brought for
6 the same until after the expiration of the time of payment.
7 And a tender by said company may be made with the same
8 effect as in the preceding section.

Sect. 8. Said corporation is hereby authorized to make
2 contracts with the United States, and with corporations, and
3 inhabitants of said town of Searsport or any village corpora-
4 tion therein for the purpose of supplying water as contem-
5 plated by this act; and said town of Searsport by its select-
6 men, or such village corporation by its assessors, is hereby
7 authorized to enter into contract with said company for a sup-
8 ply of water for public uses, on such terms and for such time
9 as the parties may agree, which when made, shall be legal and
10 binding on all parties thereto, and said town of Searsport for
11 this purpose may raise money in the same manner as for
12 other town charges.

Sect. 9. The capital stock of said company shall be fifty
2 thousand dollars, and said stock shall be divided into shares
3 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 there-
3 for, not exceeding in amount two hundred thousand 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.

HOUSE OF REPRESENTATIVES,

Augusta, February 22, 1899.

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

W. S. COTTON, *Clerk.*