

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Ninth Legislature.

HOUSE.

No. 175.

STATE OF MAINE.

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

AN ACT to incorporate the Strong Water Company.

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

Section 1. Philip Stubbs, Merizor A. Will, Bezer B. Har-
2 vey, Elias H. Porter, James H. Bell, Lionel True, Wm. H.
3 Dyer, their associates, successors and assigns, are hereby
4 made a corporation by the name of the Strong Water Com-
5 pany, for the purpose of supplying the town of Strong, in
6 the county of Franklin, and the inhabitants of said town,
7 with pure water for industrial, domestic, sanitary and
8 municipal purposes, including the extinguishment of fires.

Sect. 2. Said company, for said purposes, may retain,
2 collect, take, use and distribute water from any springs,

3 except such as are in actual use for domestic purposes,
4 ponds, streams, or other water sources in said Strong, or
5 from any stream or pond in New Vineyard or Avon except
6 Mt. Blue pond in said county, and may locate, construct and
7 maintain dams, reservoirs, aqueducts, gates, pipes, hydrants
8 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, aque-
5 ducts, pipes, hydrants and structures as may be necessary for
6 the purposes of its incorporation so as not to unreasonably
7 obstruct the same, under such reasonable restrictions and
8 conditions as the selectmen of said towns may impose. It
9 shall be responsible for all damages to persons and property
10 occasioned by the use of such highways, ways and streets,
11 and shall further be liable to pay to said town all sums
12 recovered against said towns for damages for obstructions
13 caused by said company, and for all expenses, including
14 reasonable counsel fees, incurred in defending such suits,
15 with interest on the same, provided said company shall have
16 notice of such suit, and opportunity to defend the same.

Sect. 4. In case of failure to agree with any railroad com-
2 pany, as to place, manner and conditions of crossing its
3 railroad with such pipe, the place, manner and conditions
4 of such crossings shall be determined by the railroad com-
5 missioners and all work within the limits of the railroad
6 location and lands, shall be done under the supervision and
7 to the satisfaction of the officers and agents of the railroad
8 company, but at the expense of the said water company.

Sect. 5. Said company shall have power to cross any
2 water course, private and public sewer, or to change the
3 direction thereof when necessary for the purposes of its

4 incorporation, but in such manner as not to obstruct or
5 impair the use thereof, and it shall be liable for any injury
6 caused thereby. Whenever said company shall lay down
7 any fixture in any highway, way or street, or make any alter-
8 ations or repairs upon its works in any highway, way or
9 street, it shall cause the same to be done with as little
10 obstruction to public travel as may be practicable, and shall,
11 at its own expense, without unnecessary delay, cause the
12 earth and pavements there removed by it to be replaced in
13 proper condition.

Sect. 6. Said company may take and hold any waters as
2 limited in section two, and also any lands necessary for
3 reservoirs, and other necessary structures, and may locate,
4 lay and maintain aqueducts, pipes, hydrants and other neces-
5 sary structures or fixtures in, over and through any lands
6 for its said purposes, and excavate in and through such lands
7 for such location, construction and maintenance. It may
8 enter upon such lands to make surveys and locations, and
9 shall file in the registry of deeds for said county of Franklin,
10 plans of the location of all lands and water rights taken
11 under the provisions of this act, showing the property
12 taken, and within thirty days thereafter, publish notice of
13 such filing in some newspaper in said county, such publica-
14 tion to be continued three weeks successively. Not more
15 than one rod in width of land shall be occupied by any one
16 line of pipe or aqueduct.

Sect. 7. 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 construction, the
4 land owner may, within twelve months after said filing of
5 plans of location, apply to the commissioners of said county
6 of Franklin, 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 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 com-
11 pany shall fail to pay such land owner, or deposit for his
12 use with the clerk of the county commissioners aforesaid,
13 such sum as may be finally awarded as damages, with costs
14 when recovered by him, within ninety days after notice of
15 final judgment shall have been received by the clerk of courts
16 of said county, the said location shall be thereby invalid, and
17 said company shall forfeit all rights under the same as
18 against such land owner. Said company may make a tender
19 to any land owner damaged under the provisions of this act,
20 and if such land owner recovers more damages than were
21 tendered him by said company, he shall recover costs, other-
22 wise said company shall recover costs. In case said com-
23 pany shall begin to occupy such lands before the rendition
24 of final judgment, the land owner may require said com-
25 pany to file its bond to him with said county commissioners,
26 in such sum and with such sureties as they may approve,
27 conditioned for said payment or deposit. No action shall
28 be taken against said company for such taking, holding and
29 occupation, until after such failure to pay or deposit as
30 aforesaid. Failure to apply for damages within three years
31 by the land owner, shall be held to be a waiver of the same.

Sect. 8. Any person suffering damage by the taking of
2 water by said company as provided by this act, may have
3 his damages assessed in the manner provided in the preced-
4 ing 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. 9. Said corporation is hereby authorized to make
2 contracts with the United States, and with corporations, and
3 the inhabitants of the said town of Strong or Avon, or any
4 village corporation therein for the purpose of supplying
5 water as contemplated by this act; and said town of Strong
6 by its selectmen, or a village corporation therein by its
7 assessors, is hereby authorized to enter into contract with
8 said company for a supply of water for public uses and for
9 the remission of taxes upon its real estate, fixtures, fran-
10 chise and plant, on such terms and for such time as the
11 parties may agree, which when made, shall be legal and
12 binding on all parties thereto, and said town of Strong or
13 village corporation therein, for this purpose may raise
14 money in the same manner as for other town or corporation
15 charges.

Sect. 10. The capital stock of said corporation shall be
2 fifteen thousand dollars, which may be increased to any
3 sum not exceeding fifty thousand dollars by a majority vote
4 of the stockholders of the corporation; and the stock shall
5 be divided into shares of the par value of fifty dollars each.

Sect. 11. Said company for all of its said purposes, may
2 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 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
4 exceeding in all the capital stock of said corporation, act-
5 ually subscribed for, and secure the same by mortgage or
6 mortgages of the franchise and property of said company.

Sect. 13. The first meeting of said company may be called
2 by a written notice thereof, signed by any corporation herein
3 named, served upon each corporator by giving him the same

4 in hand, or by leaving the same at his last and usual place
5 of abode, seven days before the time of meeting.

Sect. 14. 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. 15. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, February 23, 1899.

Reported by Mr. VIRGIN of Portland, from Committee on Judiciary,
and ordered printed under joint rules.

W. S. COTTON, *Clerk.*