

MAINE STATE LEGISLATURE

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Seventy-first Legislature.

HOUSE.

No. 315

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THREE.

AN ACT to incorporate the Hillside Water Company.

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

Section 1. Albert Peirce, William Heagan, A. S. Newman,
2 Fred Shaw, Hayward Peirce, C. C. Emerson and A. T. Snow,
3 their associates, successors and assigns, are hereby made a
4 corporation by the name of the Hillside Water Company for
5 the purpose of supplying the town of Frankfort in the county
6 of Waldo and the inhabitants of said town with pure water
7 for domestic, sanitary and municipal purposes, including the
8 extinguishment of fires.

Sect. 2. Said company for said purposes may retain, col-
2 lect, take, store, use and distribute water from any springs,
3 ponds, streams and other water sources in said Frankfort

4 and may locate, construct and maintain cribs, reservoirs, aque-
5 ducts, gates, pipes, hydrants and all other necessary structures
6 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
7 obstruct the same, under such reasonable restrictions and
8 conditions as the selectmen of said town 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 and
11 shall further be liable to pay to said towns all sums recovered
12 against said towns for damages for obstruction caused by
13 said company, and for all expenses incurred in defending such
14 suits, with interest on the same, provided said company shall
15 have notice of such suits 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 thereof,
5 and it shall be liable for any injury caused thereby. When-
6 ever said company shall lay down any fixture in any high-
7 way, way or street, or make any alterations or repairs upon
8 its works in any highway, way or street, it shall cause the
9 same to be done with as little obstruction to public travel as
10 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 waters as
2 limited in section two and also any lands necessary for reser-
3 voirs, and other necessary structures, and may locate, lay
4 and 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, either
4 party 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 railroads, 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 awarded
13 as damages, with costs when recovered by him, within ninety
14 days after notice of final judgment shall have been received
15 by the clerk of courts of said county, the said location shall
16 be thereby invalid, and said company forfeits all rights under
17 the same as against such land owner. Said company may
18 make a tender to any land owner damaged under the pro-
19 visions of this act, and if such land owner recovers more
20 damages than were tendered him by said company, he shall
21 recover costs, otherwise said company shall recover costs. In
22 case said company shall begin to occupy such lands before the
23 rendition of final judgment, the land owner may require said

24 company to file its bond to him with said county commis-
25 sioners, in such sum and with such sureties as they approve,
26 conditioned for said payment or deposit. No action shall be
27 brought against said company for such taking, holding and
28 occupation, until after such failure to pay or deposit as afore-
29 said. Failure to apply for damages within three years by
30 the land owner, 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
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 brought
6 for the same until after the expiration of the time of pay-
7 ment. And a tender by said company may be made with the
8 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, and
3 inhabitants of said town of Frankfort or any village corpo-
4 ration therein for the purpose of supplying water as contem-
5 plated by this act; and said town of Frankfort by its select-
6 men, or such village corporation by its assessors, is hereby
7 authorized to enter into contracts with said company for a
8 supply of water for public uses, on such terms and for such
9 time as the parties may agree, which when made, shall be
10 legal and binding on all parties thereto, and said town of
11 Frankfort for this purpose may raise money in the same
12 manner as for other town charges.

Sect. 9. The capital stock of said company shall be ten
2 thousand dollars, and said stock shall be divided into one
3 thousand shares of ten dollars each.

Sect. 10. Said company for all of its said purposes, may
2 hold real and personal estate necessary and convenient
3 therefor.

Sect. 11. Said company may issue its bonds for the construction of its works of any and all kinds upon such rates and time as it may deem expedient, to an amount not exceeding in all the capital stock of said corporation subscribed for, and secure the same by mortgage or mortgages of the franchise and property of said company.

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

Sect. 13. Said town of Frankfort at any time after the expiration of five years from the opening for use and service of a system of water works constructed by said corporation and after a vote in a legal town meeting to that effect has been passed, shall have the right to purchase, and by this act said corporation is required to sell to said town said system of water works including everything appertaining thereto, and if said town and corporation cannot agree upon the terms, upon such terms and that such price as shall be determined and fixed by the chief justice of the supreme court of the State of Maine, after due hearing of the parties interested, and from the decision of said chief justice there shall be no appeal.

Section 14. This act shall become null and void in two years from the day when the same shall take effect, unless said company shall have organized and commenced actual business under this charter.

Sect. 15. The rights herein provided shall not be exercised by said incorporators without the consent in writing of the Winterport Water Company, a corporation located at Winterport in said county, first obtained.

Sect. 16. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 12, 1903.

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

W. S. COTTON, *Clerk.*