

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

NEW DRAFT.

Seventy-first Legislature.

SENATE.

No. 159

STATE OF MAINE.

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

AN ACT to incorporate the Brownville and Williamsburg
Water Company.

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

Section 1. Edwin M. Johnston, Urban H. Sumner, Ezekial
2 Chase and Frank E. Guernsey, their associates and successors,
3 are hereby made a corporation by the name of the Brownville
4 and Williamsburg Water Company, for the purpose of sup-
5 plying the inhabitants of the towns of Brownville and
6 Williamsburg with pure water for domestic, sanitary, munici-
7 pal and commercial purposes, including the extinguishment
8 of fires, and such corporation shall possess all the powers,
9 privileges and be subject to all the liabilities and obligations

10 imposed upon corporations by law except as herein otherwise
11 provided.

Sect. 2. For any of the purposes aforesaid, the said corporation is hereby authorized to take and use water from springs of water in lands owned by Urban H. Sumner, situated in the town of Williamsburg in said county, or from any spring, pond, brook or other waters in the towns of Brownville and Williamsburg, to conduct and distribute the same into and through the said towns of Brownville and Williamsburg, and to survey for, locate, construct and maintain all suitable and convenient dams, reservoirs, sluices, hydrants, buildings, machinery, lines of pipe, aqueducts, structures and appurtenances.

Sect. 3. The said corporation is hereby authorized to lay, construct and maintain its lines of pipe in the towns of Brownville and Williamsburg, and to build and maintain all necessary structures therefor, at such places as shall be necessary for the purposes of said corporation, and to cross any water course, private or public sewer, or to change the direction thereof, when necessary for their said purposes of incorporation, but in such manner as not to obstruct or impair the use thereof, and the said corporation shall be liable for any injury caused thereby.

Sect. 4. The said corporation is hereby authorized to lay, construct and maintain in, under, through, along, over and across the highways, ways, streets, railroads and bridges in said towns, and to take up, replace and repair all such aqueducts, sluices, pipes, hydrants and other structures and fixtures as may be necessary and convenient for any of the said purposes of the said corporation, under such reasonable restrictions and conditions as the selectmen of the said towns may impose, and the said corporation shall be responsible for all damages to the said towns, and to all corporations, persons and property, occasioned by such use of the highway,

12 ways and streets. Whenever the said corporation shall lay
13 down or construct any pipes or fixtures in any highway, way
14 or street, or make an alterations thereof, or repairs upon its
15 works, in any highway, way or street, it shall cause the same
16 to be done with as little obstruction to public travel as may
17 be practical, and shall at its own expense without unneces-
18 sary delay, cause the earth and pavement then removed by it,
19 to be replaced in proper condition.

Sect. 5. The said corporation is hereby authorized to take
2 and hold by purchase or otherwise, any land necessary for
3 flowage, and also for its dams, reservoirs, gates, hydrants,
4 buildings and other necessary structures, and may locate,
5 erect, lay and maintain aqueducts, hydrants, lines of pipes
6 and other necessary structures or fixtures, in, over and
7 through any land for the said purpose, and excavate in and
8 through such lands for said location, construction and erec-
9 tion, and in general do any act necessary, convenient or
10 proper for carrying out any of the said purposes of incorpora-
11 tion. It may enter such land and make surveys and locations,
12 and shall file in the registry of deeds in the county of Piscat-
13 quis, plans of such locations and lands, showing the prop-
14 erty taken, within 30 days thereafter publish notices of such
15 filing in some newspaper in said county, said publication to
16 be continued three weeks successively.

Sect. 6. Should the said corporation and the owner of
2 such land be unable to agree upon the damages to be paid
3 for such location, taking, holding, flowing and construction,
4 such damages shall be assessed in accordance with the law
5 applicable to the assessment of damages for ways taken by
6 railroads. If said corporation shall fail to pay such land
7 owner, or deposit for his use with the clerk of the county
8 commissioners aforesaid, such sum as may be finally awarded
9 as damages, with costs when recovered by him, within ninety
10 days after notice of final judgment shall have been received

11 by the clerk of courts of said county, the said location shall
12 be thereby invalid, and the said corporation shall forfeit all
13 rights under the same, as against such land owner. In case
14 the said corporation shall begin to occupy such land before
15 the rendition of final judgment the land owner may require
16 the said corporation to file its bond to him with the county
17 commissioners, in such sum and with such sureties as they
18 may approve conditioned for said judgment or deposits. No
19 action shall be brought against the said corporation for such
20 taking, holding and occupation until after such failure to pay
21 or deposit as aforesaid.

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 same manner
5 and with the same effect. No action shall be brought for
6 the same until after the expiration of the time of payment.

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

Sect. 9. The said corporation is hereby authorized to make
2 contracts with the towns of Brownville and Williamsburg
3 and with any village corporation in said town, and with the
4 inhabitants thereof, of any corporation doing business therein,
5 for the supply of water for any and all the purposes contem-
6 plated in this act; and the said town and any village corpo-
7 rations in the said town by their proper officers, are hereby
8 authorized to enter into any contract with the said corporation
9 for a supply of water for any and all purposes mentioned in

10 this act, and in consideration thereof to relieve said corpora-
11 tion from such public burdens by abatement or otherwise as
12 said town, village corporation, and the said corporation may
13 agree upon, which, when made, shall be legal and binding
14 upon all parties thereto.

Sect. 10. Whoever shall knowingly or maliciously corrupt
2 the water supply of the said corporation, whether frozen or
3 not, or in any way render such water impure, or whoever
4 shall wilfully or maliciously injure any of the works of the
5 said corporation, shall be punished by a fine not exceeding
6 one thousand dollars, or by imprisonment not exceeding two
7 years, and shall be liable to the said corporation for three
8 times the actual damage, to be recovered in any proper action.

Sect. 11. The capital stock of the said corporation shall be
2 twenty-five thousand dollars and the said stock shall be
3 divided into shares of twenty-five dollars each.

Sect. 12. The said corporation, for all its said purposes,
2 may hold real and personal estate necessary and convenient
3 therefor, not exceeding twenty-five thousand dollars.

Sect. 13. The said corporation 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, to an amount not
4 exceeding its capital stock, and secure the same by mortgage
5 of its franchise and property.

Sect. 14. The first meeting of said corporation may be
2 called by written notice therefor, signed by two of the incor-
3 porators herein named, served upon each corporator by giving
4 him the same in hand or by leaving the same at his last and
5 usual place of abode, seven days at least before said meeting.

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

STATE OF MAINE.

IN SENATE, March 3, 1903.

Reported by Mr. GUERNSEY from Committee on the Judiciary, and
laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary*.