

# MAINE STATE LEGISLATURE

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# SEVENTY-SECOND LEGISLATURE

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HOUSE.

No. 181

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## STATE OF MAINE.

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

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AN ACT to incorporate the Stockton Springs Water Company.

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

Section 1. H. R. Hichborn, S. B. Merrithew, A. M. Ames,  
2 their associates, successors and assigns, are hereby made a  
3 corporation by the name of the Stockton Springs Water  
4 Company, for the purpose of supplying the town of Stockton  
5 Springs, in the county of Waldo, and the inhabitants of said  
6 town, with pure water for domestic, sanitary and municipal  
7 purposes, including 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 except such springs as are in actual use for domestic pur-  
4 poses, ponds, streams, or other water sources, in said Stock-  
5 ton Springs, or from Boyd's pond in Searsport, and may  
6 locate, construct and maintain cribs, reservoirs, aqueducts,

7 gates, pipes, hydrants and all other necessary structures  
8 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 towns, and to take  
4 up, replace and repair all such sluices, aqueducts, pipes,  
5 hydrants and structures as may be necessary for the pur-  
6 poses of its corporation, so as not to unreasonably obstruct  
7 the same, under such reasonable restrictions and conditions  
8 as the selectmen of said towns may impose. Said company  
9 is hereby authorized to lay, construct and maintain its pipes  
10 across the location of any railroad, and all work within the  
11 limits of the railroad location shall be done under the super-  
12 vision and to the reasonable satisfaction of the chief engineer  
13 of the railroad company. It shall be responsible for all dam-  
14 ages to persons and property occasioned by the use of such  
15 highways, ways, streets, and shall further be liable to pay to  
16 said town all sums recovered against said towns for obstruc-  
17 tion caused by said company, and for all expenses, including  
18 reasonable counsel fees incurred in defending such suits, with  
19 interest on the same, provided said company shall have notice  
20 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  
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 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 dam-  
4 ages shall be assessed in accordance with the law applicable  
5 to the assessment of damages for ways taken by railroads,  
6 so far as such law is consistent with the provisions of this act.  
7 If said company shall fail to pay such land owner, or deposit  
8 for his use with the clerk of the county commissioners afore-  
9 said, such sum as may be finally awarded as damages, with  
10 costs when recovered by him, within ninety days after notice  
11 of final judgment shall have been received by the clerk of  
12 courts of said county, the said location shall be thereby  
13 invalid, and said company forfeit all rights under the same  
14 as against such land owner. Said company may make a  
15 tender to any land owner damaged under the provisions of  
16 this act, and if such land owner recovers more damages than  
17 were tendered him by said company, he shall recover costs,  
18 otherwise said company shall recover costs. In case said  
19 company shall begin to occupy such lands before the ren-

20 dition of final judgment, the land owner may require said  
21 company to file its bond to him with said county commis-  
22 sioners, in such sum and with such sureties as they approve,  
23 conditioned for said payment or deposit. No action shall  
24 be brought against said company for such taking, holding  
25 and occupation, until after such failure to pay or deposit as  
26 aforesaid. Failure to apply for damages within three years  
27 by 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 in 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 con-  
2 tracts with the United States, and with corporations, and  
3 inhabitants of said town of Stockton Springs, or any village  
4 corporation therein for the purpose of supplying water as  
5 contemplated by this act; and said town of Stockton Springs  
6 by its selectmen, or such village corporation by its assessors,  
7 is hereby authorized to enter into contract with said company  
8 for a supply of water for public uses, on such terms and for  
9 such time as the parties may agree, which when made, shall  
10 be legal and binding on all parties thereto, and said town of  
11 Stockton Springs for this purpose may raise money in the  
12 same manner as for other town charges.

Sect. 9. The capital stock of said company shall be one  
2 hundred thousand dollars, and said stock shall be divided into  
3 shares of twenty-five 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 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. 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. 14. This act shall take effect when approved.



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,

Augusta, February 17, 1905.

Reported by Mr. BAXTER from Committee on Legal Affairs and  
ordered printed under joint rules.

E. M. THOMPSON, *Clerk*.