

# MAINE STATE LEGISLATURE

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# SEVENTY-SECOND LEGISLATURE

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HOUSE.

No. 297

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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 Hampden Water Company.

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

Section 1. G. W. Smith, H. W. Mayo, Frank H. Damon,  
2 John Leary, W. H. Nason, C. W. Page and W. W. Emerson,  
3 their associates, successors and assigns, are hereby made a  
4 corporation by the name of the Hampden Water Company,  
5 for the purpose of supplying the town of Hampden, in the  
6 county of Penobscot, and the inhabitants of said town, with  
7 pure water for domestic, sanitary and municipal purposes,  
8 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 Hamp-  
5 den or other places; and may locate, construct and maintain

6 cribs, reservoirs, aqueducts, gates, pipes, hydrants and all  
7 necessary structures thereof.

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 town, 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 locations, and shall file  
9 in the registry of deeds for said county of Penobscot, plans  
10 of 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  
7 act. If said company shall fail to pay such land owner, or  
8 deposit for his use with the clerk of the county commissioners  
9 aforesaid, such sum as may be finally awarded as damages,  
10 with costs when recovered by him, within ninety days after  
11 notice of final judgment shall have been received by the clerk  
12 of 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 rendition

20 of final judgment, the land owner may require said company  
21 to file its bond to him with said county commissioners, in  
22 such sum and with such sureties as they approve, conditioned  
23 for said payment or deposit. No action shall be brought  
24 against said company for such taking, holding and occupa-  
25 tion, until after such failure to pay or deposit as aforesaid.  
26 Failure to apply for damages within three years by the land  
27 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  
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 corporations, and inhabitants of said town of  
3 Hampden, or any village corporation therein, for the pur-  
4 pose of supplying water as contemplated by this act; and said  
5 town of Hampden by its selectmen, or such village corpo-  
6 ration by its assessors, is hereby authorized to enter into con-  
7 tract with said company for a supply of water for public  
8 uses, on such terms and for such time as the parties may  
9 agree, which, when made, shall be legal and binding on all  
10 parties thereto, and said town of Hampden for this purpose  
11 may raise money in the same manner as for other town  
12 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 one hundred and fifty thousand  
4 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 com-  
3 pany shall have organized and commenced actual business  
4 under this charter.

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



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES,  
Augusta, March 1, 1905.

Tabled pending reference to a committee by Mr. SARGENT of Brewer  
and ordered printed.

E. M. THOMPSON, *Clerk*