

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

HOUSE.

No. 507

STATE OF MAINE.

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

AN ACT to incorporate the Hampden Water Company.

*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 with pure water for domestic, sanitary and municipal pur-
8 poses, including extinguishing of fires.

Sect. 2. Said company, for said purposes, may retain,
2 collect, 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 purposes
6 of its corporation, so as not to unreasonably obstruct the
7 same under such reasonable restrictions and conditions as the
8 selectmen of said towns may impose, said company is hereby
9 authorized to lay, construct and maintain its pipes across the
10 location of any railroad, and all work within the limits of the
11 railroad location shall be done under the supervision and to
12 the reasonable satisfaction of the chief engineer of the rail-
13 road company. It shall be responsible for all damages to
14 persons and property occasioned by the use of such high-
15 ways, ways, streets, and shall further be liable to pay to said
16 town all sums recovered against said towns for obstruction
17 caused by said company, and for all expenses, including
18 reasonable counsel fees incurred in defending such suits,
19 with interest on the same, provided said company shall have
20 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 there-
5 of, 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 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
3 paid for such location, taking, holding and construction, the
4 damages shall be assessed in accordance with the law
5 applicable to the assessment of damages for ways taken by
6 railroads, so far as such law is consistent with the provisions
7 of this act. If said company shall fail to pay such land
8 owner, or deposit for his use with the clerk of the county
9 commissioners aforesaid, such sum as may be finally awarded
10 as damages, with costs when recovered by him, within ninety
11 days after notice of final judgment shall have been received
12 by the clerk of courts of said county, the said location shall
13 be thereby invalid, and said company forfeit all rights under
14 the same as against such land owner. Said company may
15 make a tender to any land owner damaged under the pro-
16 visions of this act, and if such land owner recovers more
17 damages than were tendered him by said company, he shall
18 recover costs otherwise said company shall recover costs. In

19 case said company shall begin to occupy such lands before
20 the rendition of final judgment, the land owner may require
21 said company to file its bond to him with said county com-
22 missioners, in such sum and with such sureties as they
23 approve, conditioned for said payment or deposit. No action
24 shall be brought against said company for such taking, hold-
25 ing and occupation, until after such failure to pay or deposit
26 as aforesaid. Failure to apply for damages within three
27 years by the land owner, shall be held to be a waiver of the
28 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
6 brought for the same until after the expiration of the time of
7 payment. And a tender by said company may be made with
8 the 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 purpose
4 of supplying water as contemplated by this act; and said
5 town of Hampden by its selectmen, or such village corpora-
6 tion by its assessors, as hereby authorized to enter into con-
7 tract with said company for a supply of water for public uses,
8 on such terms and for such time as the parties may agree,
9 which when made shall be legal and binding on all parties
10 thereto, and said town of Hampden for this purpose may
11 raise money in the 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 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 corporation 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
3 company shall have organized and commenced actual busi-
4 ness under this charter.

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

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, March 10, 1905.

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

E. M. THOMPSON, *Clerk.*