

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

SENATE.

No. 155

STATE OF MAINE.

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

AN ACT to incorporate the Jackman Water Company.

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

Section 1. H. L. Colby, P. L. Colby and E. M. Colby, with
2 their associates and successors, are hereby made a corpora-
3 tion, under the name of the Jackman Water Company, for the
4 purpose of supplying the inhabitants of Jackman, Moose
5 River and adjoining plantations with suitable water for indus-
6 trial, manufacturing, domestic, sanitary and municipal pur-
7 poses, including the extinguishment of fire; with all the
8 rights and privileges, and subject to all the liabilities and
9 obligations of similar corporations under the laws of this
10 State.

Sect. 2. For any of the purposes aforesaid, the said cor-
2 poration is hereby authorized to take and use water from the
3 lakes, ponds, rivers, streams, springs, or other waters in the

4 plantations of Jackman, Moose River and any adjoining
5 plantation; to conduct and distribute the same into and
6 through any of the said plantations; and to survey for, locate,
7 construct and maintain suitable and convenient dams, reser-
8 voirs, buildings, machinery, lines of pipes, aqueducts, struc-
9 tures and appurtenances.

Sect. 3. The said corporation is hereby authorized to lay,
2 construct and maintain its lines of pipe under, in and over
3 any river or other stream of water in the said plantations or
4 any adjoining plantation, and to build and maintain all neces-
5 sary structures therefor, at such places as may be necessary
6 for the said purposes of the said corporation; and to cross
7 any water course, private or public sewer, or to change the
8 direction thereof, where necessary for the said purposes of
9 the said corporation, but in such manner as not to obstruct
10 or impair the use thereof, and the said corporation shall be
11 liable for any injury or damage caused thereby.

Sect. 4. The said corporation is hereby authorized to lay,
2 construct and maintain in, under, through, along, over and
3 across the highways, ways, streets, railroads and bridges in
4 the said plantations named in section two of this act, and to
5 take up, replace and repair, all such aqueducts, pipes,
6 hydrants and other structures and fixtures as may be neces-
7 sary and convenient for the said purposes of said corpora-
8 tion; and said corporation shall be responsible for all dam-
9 ages to the said plantations and to all corporations, persons
10 and property, occasioned by such use of said highways, ways
11 and streets. Whenever the said corporation shall lay down
12 or construct any fixtures in any highway, way or street, it
13 shall cause the same to be done with as little obstruction to
14 public travel as may be practicable, and shall at its own
15 expense, without unnecessary delay, cause the earth and
16 pavement then removed by it, to be replaced in proper con-
17 dition.

Sect. 5. The said corporation is hereby authorized to take
2 and hold, by purchase or otherwise, any lands 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, lines of pipe, hydrants and
6 other necessary structures or fixtures in, over and through
7 any land for the said purposes, and excavate in and through
8 such land for such location, construction and erection. And
9 in general to do any acts necessary, convenient or proper, for
10 carrying out any of the said purposes of said corporation.
11 It may enter upon such lands to make surveys and locations,
12 and shall file in the registry of deeds for the county of Som-
13 erset, plans of such locations and lands, showing the property
14 taken, and within thirty days thereafter publish notice of
15 such filing in some newspaper in said county, such publication
16 to be continued three weeks successively. Not more than
17 two rods in width of land shall be occupied by any one line
18 of pipe or aqueduct.

Sect. 6. Should the said corporation and the owner of any
2 land required for the said purposes of said corporation, be
3 unable to agree upon the damages to be paid for such loca-
4 tion, taking, holding and construction, the land owner may
5 within twelve months after the said filing of plans or location,
6 apply to the commissioners of said county of Somerset, and
7 cause such damages to be assessed in the same manner and
8 under the same conditions, as are prescribed by law in the
9 case of damages by the laying out of railroads. If the said
10 corporation shall fail to pay such land owner, or deposit for
11 his use with the clerk of the county commissioners aforesaid,
12 such sums as may be finally awarded as damages, with costs
13 when recovered by him, within ninety days after notice of
14 final judgment shall have been received by the clerk of courts
15 of the said county, the said location shall be thereby invalid
16 and the said corporation shall forfeit all rights under the

17 same, as against the owner of the land. The said corpora-
18 tion may make a tender to any land owner damaged under
19 the provisions of this act, and if such land owner recovers
20 more damages than was tendered him by the said corporation,
21 he shall recover costs, otherwise the said corporation shall
22 recover costs. In case the said corporation shall begin to
23 occupy such land before the rendition of final judgment, the
24 land owner may require the said corporation to file its bond
25 to him with the said county commissioners in such sum and
26 with such sureties as they may approve, conditioned for the
27 payment of the damages that may be awarded. No action
28 shall be brought against the said corporation for such taking,
29 holding and occupation, until after such failure to pay or
30 deposit as aforesaid. Failure to apply for damages within
31 the said twelve months shall be held to be a waiver of the
32 same.

Sect. 7. The said corporation is hereby authorized to make
2 contracts with the United States, the State of Maine, the
3 county of Somerset, the plantations named in section two of
4 this act and with the inhabitants of said plantations, or any
5 corporations doing business therein, for the supply of water
6 and power for the purposes contemplated in this act; and the
7 said plantations, by their proper officers, are hereby author-
8 ized to enter into contract with the said water company for
9 a supply of water for any and all purposes mentioned in this
10 act, and for such exemptions from public burdens as the said
11 plantations and said water company may agree upon, which
12 when made, shall be legal and binding upon all parties
13 thereto.

Sect. 8. The capital stock of the said water company shall
2 be twelve thousand dollars, which may be increased to any
3 sum not exceeding fifty thousand dollars, by a majority vote
4 of the stockholders of the said water company; and the stock
5 shall be divided into shares of one hundred dollars each.

Sect. 9. The said water company for all its purposes, may
2 hold real and personal estate necessary and convenient there-
3 for, to the amount of fifty thousand dollars.

Sect. 10. The said water company may issue its bonds for
2 the construction of its works, of any and all kinds, upon such
3 rates and time as it may deem expedient, not to exceed the
4 amount of the capital stock subscribed for, and secure the
5 same by mortgage of its franchise and property.

Sect. 11. The first meeting of said company may be called
2 by the first incorporator, but failing to do so, either of the
3 others may, by a written notice signed by him stating the
4 time, place and purpose thereof and sent by mail to his asso-
5 ciates, at least five days before said meeting.

Sect. 12. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, March 3, 1905.

Reported by Mr. PIERCE from Committee on Legal Affairs and laid
on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary*.