

MAINE STATE LEGISLATURE

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SEVENTY-THIRD LEGISLATURE

SENATE.

No. 171

STATE OF MAINE

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

AN ACT to incorporate the Stonington Water Company.

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

Section 1. Martin J. Hayes, John L. Goss, Sumner P.
2 Mills, Elmer P. Spofford, their associates, successors and
3 assigns, are hereby made a corporation by the name of the
4 Stonington Water Company, for the purpose of supplying
5 the town of Stonington, in the county of Hancock, and the
6 inhabitants of said town, with pure water for domestic, sani-
7 tary, municipal and public purposes, including extinguish-
8 ment 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 Ston-
5 ington, and may locate, construct and maintain cribs, reser-
6 voirs, aqueducts, gates, pipes, hydrants and all other neces-
7 sary structures therefor.

Sect. 3. Said company is hereby authorized to lay, con-
2 struct, and maintain in, under, through, along and across
3 the highways, ways, streets, railroads and bridges in said
4 town, and to take up, replace and repair all such sluices,
5 aqueducts, pipes, hydrants and structures as may be neces-
6 sary for the purposes of its incorporation, so as not to unrea-
7 sonably obstruct the same, under such reasonable restrictions
8 and conditions as the selectmen of said town may impose. It
9 shall be responsible for all damages to persons and property
10 occasioned by the use of such highways, ways and streets,
11 and shall further be liable to pay to said town all sums recov-
12 ered against said town for damages for obstruction caused
13 by said company, and for all expenses, including reasonable
14 counsel fees incurred in defending such suits, with interest
15 on the same, provided said company shall have notice of such
16 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
4 and 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 Hancock, plans of
10 such location and lands, showing the property taken, and
11 within thirty days thereafter, publish notice of such filing
12 in some newspaper in said county, such publication to be
13 continued three weeks successively.

Sect. 6. Should said company and the owner of such land
2 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 assesment of damages for ways taken by railroads, so
6 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 hereby invalid,
13 and said company forfeit all rights under the same as against
14 such land owner. Said company may make a tender to any
15 land owner damaged under the provisions of this act, and
16 if such land owner recovers more damages than were ten-
17 dered by said company, he shall recover costs, otherwise said
18 company shall recover costs. In case said company shall
19 begin to occupy such lands before the rendition of final
20 judgment, the land owner may require said company to file
21 its bond to him with said county commissioners, in such sum
22 and with such sureties as they approve, conditioned for said
23 payment or deposit. No action shall be brought against said
24 company for such taking, holding and occupation, until after
25 such failure to pay or deposit as aforesaid. Failure to apply
26 for damages within three years by the land owner, shall be
27 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 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 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 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
2 contracts with the United States, and with corporations, and

3 inhabitants of said town of Stonington or any village cor-
4 poration therein for the purpose of supplying water as con-
5 templated by this act; and said town of Stonington by its
6 selectmen, or such village corporation by its assessors, is
7 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 Stonington for this purpose may raise money in the same
12 manner as for other town charges.

Sect. 9. The capital stock of said company shall be fifty
2 thousand dollars, and said stock shall be divided into shares
3 of twenty-five dollars each.

Sect. 10. Said company for all its said purposes, may hold
2 real and personal estate necessary and convenient therefor.

Sect. 11. Said company may issue its bonds for the con-
2 struction of its works and for ohter purposes of its incorpo-
3 ration, of any and all kinds upon such rates and time as it
4 may deem expedient, to an amount not exceeding fifty thou-
5 sand dollars, and secure the same by mortgage or mortgages
6 of the franchise and property of said company.

Sect. 12. If Pine Lake Water Company shall within six
2 months after the approval of this act, elect to exercise the
3 power of sale granted in section thirteen of this act, the
4 Stonington Water Company is further authorized, and before
5 it may lawfully commence business under this charter, it
6 shall be required, to purchase the property, capital stock,

7 rights, privileges, immunities and franchise of Pine Lake
8 Water Company, the organization of which was ratified and
9 confirmed by chapter 248, of the Private and Special Laws
10 of the year 1895, for the sum of seventeen hundred and fifty
11 dollars; and upon such purchase, the said Stonington Water
12 Company shall have, hold, possess, exercise and enjoy all the
13 powers, privileges, rights, immunities, franchise, property
14 and assets which at the time of such transfer shall then be
15 had, held, possessed or enjoyed by the corporation so selling.

Sect. 13. Pine Lake Water Company is hereby authorized
2 to sell its property, capital stock, rights, privileges, immuni-
3 ties and franchise to said Stonington Water Company for
4 the sum of seventeen hundred and fifty dollars; and in case
5 of such sale, the Stonington Water Company may mortgage
6 the franchise and property so acquired for the security of any
7 bonds or other indebtedness authorized by this act.

Sect. 14. The first meeting of said Stonington Water Com-
2 pany may be called by written notice thereof signed by any
3 two of the incorporators herein named, served upon each of
4 the other incorporators by giving him the same in hand, or
5 by leaving the same at his last usual place of abode, or by
6 mailing the same to him at his last known residence or place
7 of business, or by publishing the same in some newspaper
8 in the county of Hancock, state of Maine, at least five days
9 before the time of such meeting.

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



STATE OF MAINE.

IN SENATE, March 1, 1907.

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

F. G. FARRINGTON, *Secretary.*