

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

EIGHTY-FIRST LEGISLATURE

SENATE

NO. 259

In Senate, March 20, 1923.

Reported by Mr. Carleton from Committee on Public Utilities and laid on table to be printed under joint rules.

L. ERNEST THORNTON, Secretary.

Presented by Senator Wadsworth of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND TWENTY-THREE

AN ACT to incorporate the Winthrop Water District.

Be it enacted by the People of the State of Maine, as follows:

Section 1. The following territory and the people within the same, namely, that part of the town of Winthrop in the County of Kennebec, beginning on the westerly shore of Lake Annabessacook, at the southerly corner of land of Roy W. Thomas, thence running westerly along the southerly line of land of said Thomas to the highway which passes the residence of A. Wilton Black; thence across said highway along the southerly and westerly line of land of said Thomas to the State Highway leading from Winthrop to Lewiston, thence across said State Highway to the west-

11 erly line of land of Walter J. Laughlin, thence running
12 along the westerly line of land of said Laughlin and along
13 the westerly line of land formerly of James Smith, the west-
14 erly line of land formerly of the late Levi Jones and the
15 westerly line of land formerly of the late A. P. Snow,
16 known as the "Parsons field," to High Street; thence run-
17 ning northerly across said High Street along the easterly
18 line of land of R. Crawford McIlroy, formerly of William
19 N. White, to land of E. W. Wentworth; thence along the
20 south, west and north lines of land of said Wentworth to
21 the Readfield Corner Road, so called; thence across said
22 Readfield Corner Road and running northerly along its
23 westerly line to land of Mary W. Moody and Eva L.
24 Moody; thence easterly along the northerly line of land of
25 the said Moodys to Lake Maranacook; thence across said
26 Lake Maranacook to the northwest corner of land of the
27 Winthrop Mills Company, formerly of Luella F. Beale;
28 thence easterly along the northerly line of lands of said
29 Winthrop Mills Company and of Garold M. Joy to the west-
30 erly line of land of William C. Hinds, thence northerly and
31 easterly along the westerly and northerly line of land of
32 said Hinds to land of Herbert E. Foster; thence easterly
33 along the northerly line of land of said Foster to the brook
34 at the foot of Woodcock Hill, so called, thence along the
35 line of said brook to the State Highway leading from Win-
36 throp to Augusta; thence across said State Highway along
37 the line of said brook to the Narrows Pond, so called;

38 thence running southerly along the westerly shore of said
39 Narrows Pond to the Narrows Road, so called; thence
40 across said Narrows Road to the northerly line of land of
41 A. V. Towns; thence westerly along the northerly line of
42 lands of said Towns, of F. E. Webb and of Ellsworth Hay-
43 ward to the easterly line of land of Carl R. Harriman;
44 thence running southerly and westerly along the easterly and
45 southerly line of land of said Harriman to the East Mon-
46 mouth Road, so called; thence running westerly across said
47 East Monmouth road and along the southerly line of land
48 of said Harriman to Lake Annabessacook aforesaid; thence
49 running westerly across said Lake Annabessacook to the
50 point of beginning, shall constitute a body politic and cor-
51 porate under the name of the Winthrop Water District, for
52 the purposes of supplying the inhabitants of said district
53 and also any other portion of said town of Winthrop or any
54 other municipality or water district with pure water for
55 domestic, sanitary, commercial and municipal purposes.

Sect. 2. The said district, for the purpose of its incor-
2 poration, is hereby authorized to take, hold, divert, use and
3 distribute water from Narrows Pond, so-called, in said
4 Winthrop, and from Lake Maranacook in the towns of
5 Winthrop and Readfield, either or both, and from any sur-
6 face or underground brooks, and springs in said Winthrop.

Sect. 3. The said district, for the purpose of its incor-
2 poration is hereby authorized to take and hold, as for public
3 uses, by purchase or otherwise, any land or interest therein

4 or water rights necessary for erecting and maintaining dams,
5 for flowage, for power for pumping its water supply through
6 its mains, for reservoirs, for preserving the purity of the
7 water and water shed, for laying and maintaining aqueducts
8 and other structures for taking, distributing, discharging
9 and disposing of water and for rights of way or roadways
10 to its sources of supply, dams, power stations, reservoirs,
11 mains, aqueducts, structures and lands.

Sect. 4. The said district is hereby authorized to lay in
2 and through the streets, roads, ways and highways of the
3 said town of Winthrop and across private lands therein,
4 and to maintain, repair and replace all such pipes, aque-
5 ducts and fixtures as may be necessary and convenient for
6 its corporate purposes, and whenever said district shall lay
7 any pipes or aqueducts in any street, roadway or highway
8 it shall cause the same to be done with as little obstruction
9 as practicable to the public travel, and shall at its own ex-
10 pense, without unnecessary delay, cause the earth and pave-
11 ment removed by it to be replaced in proper condition.

Sect. 5. The said district is hereby authorized, for the
2 purposes of its incorporation, to erect and maintain all dams,
3 reservoirs, and structures necessary and convenient for its
4 corporate purposes.

Sect. 6. In exercising any right of eminent domain con-
2 ferred upon it by law, from time to time, or any right of em-
3 inent domain through or under the franchise of the water
4 companies by it acquired, the said district shall file in the

5 office of the county commissioners, of the county where
6 such lands or water rights are situated and record in the
7 registry of deeds in said county, plans of the location of all
8 lands or interest therein or water rights, to be taken, with
9 an appropriate description and the name of the owners
10 thereof, if known. When for any reason the district fails
11 to acquire the property authorized to be taken, and which
12 is described in such location, or the location recorded is
13 defective or uncertain, it may, at any time, correct and per-
14 fect such location and file a new description thereof, and
15 in such case the district is liable in damages only for prop-
16 erty for which the owner had not previously been paid, to
17 be assessed as of the time of the original taking, and the
18 district shall not be liable for any acts which would have
19 been justified if the original taking had been lawful. No
20 entry shall be made on any private lands, except to make
21 surveys, until ten days shall have elapsed after the date of
22 such filing, whereon possession may be had of all said lands
23 or interests therein or water rights so taken, but title thereto
24 shall not vest in said district until payment therefor.

Sect. 7. If any person sustaining damages by any taking
2 as aforesaid, shall not agree with said district upon the
3 sum to be paid therefor, either party, upon petition to the
4 county commissioners of the county where said lands or
5 water rights are situated, may have said damages assessed
6 by them; the procedure and all subsequent proceedings and
7 rights of appeal thereon shall be had under the same re-

8 striction, conditions and limitations as are or may be by law
9 prescribed in the case of damages by the laying out of high-
10 ways.

Sect. 8. In case of any crossing of a railroad, unless con-
2 sent is given by the company owning or operating such
3 railroad as to place, manner and conditions of the crossing,
4 within thirty days after such consent is requested by said
5 district, the public utilities commission shall determine the
6 place, manner and condition of such crossing; and all work
7 within the limits of such railroad location shall be done
8 under the supervision and to the reasonable satisfaction of
9 such railroad company, but at the expense of the district.

Sect. 9. All the affairs of said water district shall be man-
2 aged by a board of trustees composed of three members, all
3 of whom shall be residents of said district. They shall be
4 appointed by the municipal officers of the town of Win-
5 throp. As soon as convenient after the members of said
6 board have been so chosen, said trustees shall hold a meet-
7 ing and organize by the election of a president and clerk,
8 adopt a corporate seal and when in their judgment neces-
9 sary, may choose a treasurer and all other needful officers
10 and agents for the proper conduct and management of the
11 affairs of said district. At said first meeting they shall
12 determine by lot the term of office of each trustee so that
13 one shall serve for one year, one for two years and one
14 for three years, and whenever the term of office of a trustee
15 expires his successor shall be appointed by the municipal

16 officers of said town of Winthrop to serve for the full term
17 of three years, and in case any other vacancy arises it shall
18 be filled in like manner for the unexpired term. All such
19 trustees shall be eligible to re-appointment, but no select-
20 man of said town of Winthrop shall at any time be eligible
21 to such office; said trustees may also ordain and establish
22 such by-laws as are necessary for their own convenience
23 and the proper management of the affairs of the district.
24 The term of office of said trustees first chosen shall be con-
25 sidered to date from the first Monday of April in the year
26 one thousand nine hundred and twenty-three; said trustees
27 may procure an office and incur such expenses as may be
28 necessary. Each member shall receive in full compensation
29 for his services an allowance of one hundred dollars per
30 annum, or such other less sum as the said water district
31 at any legal meeting may prescribe. At the close of each
32 fiscal year the trustees shall make a detailed report of their
33 doings, of the receipts and expenditures of said water dis-
34 trict, of its financial and physical condition, and of such
35 other matters and things pertaining to said district as shall
36 show the inhabitants of said district how said trustees are
37 fulfilling the duties and obligations of their trust, such re-
38 ports to be made and filed with the municipal officers of the
39 town of Winthrop.

Sect. 10. Said water district is hereby authorized and
2 empowered to acquire by purchase or by the exercise of
3 the right of eminent domain, which right is hereby express-

4 ly delegated to said district for said purpose, the entire
5 plants, properties, franchises, rights and privileges of the
6 Hillside Water Company, of the Winthrop Water Com-
7 pany and of the Towle Packing Company, except their cash
8 assets, and also the entire plant, franchises, rights and privi-
9 leges of L. T. Carleton so far as the same pertain to his
10 water system and plant in Winthrop village, including all
11 lands, waters, water rights, dams, structures, reservoirs,
12 pipes, machinery, fixtures, hydrants, tools and all apparatus
13 and appliances owned by said water companies and by said
14 Carleton and used or usable in supplying water in the town
15 of Winthrop, together with all real estate so used or usable.
16 Said water companies are hereby authorized to sell and
17 transfer their respective franchises and properties to said
18 water district. Said water district is authorized to con-
19 struct, install, operate, and maintain, in connection with its
20 said water system, a sewerage system and plant with all
21 its appurtenances thereto, throughout its entire territory
22 and the discharge from the pipes and conduits thereof may
23 be into the waters below the mill stream, so-called, pro-
24 vided, however, that it shall not construct any system of
25 drainage, or sewerage, without first having submitted its
26 plans to the public utilities commission and obtained their
27 approval therefor in writing, under the power invested in
28 said commission by chapter ninety-eight of the public laws
29 of nineteen hundred and seventeen.

Sect. 11. In case the said trustee fails to agree with the

2 aforesaid companies, to wit: the said Hillside Water Com-
3 pany, the Winthrop Water Company, the Towle Packing
4 Company and the said Carleton, any or all of them, upon
5 terms of purchase, on or before June fifteenth, nineteen
6 hundred and twenty-four, then said water district, through
7 its trustees, is hereby authorized to take the plants, proper-
8 ties and franchises of the aforesaid companies and of the
9 said Carleton as authorized in section ten as for public
10 uses, by petition therefor in the manner as provided here-
11 inafter wherein such companies and the said Carleton shall
12 be the parties defendant. And said water district, through
13 its trustee, is hereby authorized on or before November
14 fifteenth, nineteen hundred and twenty-four, to file a peti-
15 tion in the clerk's office of the supreme judicial court for
16 the county of Kennebec, in term time or in vacation, ad-
17 dressed to any justice thereof, who, after notice to said
18 defendant companies and the said Carleton and their mort-
19 gagees, if any there may be, shall, after hearing and within
20 thirty days after the filing of said petition appoint three
21 disinterested appraisers, none of whom shall be residents of
22 the county of Kennebec, one at least of whom shall be
23 learned in the law, for the purpose of fixing the valuation
24 of the plants, franchises and properties of said defendant
25 companies and of said Carleton as described in section ten.
26 Said petition shall not be dismissed after filing but may be
27 and shall be amended in any manner to enable the court
28 to make all necessary decrees thereon. At the hearing

29 aforesaid, such justice, upon motion of the petitioner, may
30 order the production and filing in court, for the inspection
31 of the petitioner, of all books and papers pertinent to the
32 issue to be heard by said appraisers, the terms and condi-
33 tions of so producing and filing such books and papers to
34 be determined by said justice in his order therefor and to
35 be enforced from time to time as any justice of said su-
36 preme judicial court, in term time or in vacation, upon mo-
37 tion of any party to said cause, may deem reasonable and
38 proper in the premises. At such hearing, such justice, upon
39 motion of the petitioner, may fix a time at which the said
40 defendant companies and the said Carleton shall file in the
41 clerk's office of the supreme judicial court for the county
42 of Kennebec, for the inspection of the petitioner, the fol-
43 lowing: First, schedules showing the names, residence and
44 water service of each customer on September fifteenth,
45 nineteen hundred and twenty-three, with the rate charged
46 therefor; second, copies of all contracts in force on said
47 September fifteenth; third, an itemized statement of the
48 gross income earned during its last fiscal year and all op-
49 erating expenses and fixed charges paid or incurred during
50 such year and properly chargeable thereto; fourth, a mem-
51 orandum of all real estate, or interest therein, owned or
52 controlled on said September fifteenth, with such brief de-
53 scription thereof, as will reasonably identify the same; fifth,
54 a memorandum of all water rights used or owned on said
55 September fifteenth with a brief description thereof and a

56 concise statement of the method of acquiring the same;
57 sixth, a description of all buildings and structures owned
58 in whole or in part on said September fifteenth which are
59 a part of the plants of said defendants; seventh, descrip-
60 tions of all reservoirs owned on said September fifteenth;
61 eighth, a description of all pipes, service pipes, hydrants,
62 gates, gate boxes, shut-off boxes, fixtures and machinery,
63 and all the physical elements in such water system, giving
64 in detail all quantities, sizes and lengths and specifying the
65 streets, roads or ways where situated; ninth, an itemized
66 list of tools, appliances and apparatus used or usable in
67 supplying water on said September fifteenth. Such orders
68 may be enforced from time to time by any justice of said
69 supreme judicial court in term time or in vacation, upon
70 motion of either party, as such justice may deem reason-
71 able and proper in the premises. At such hearing the jus-
72 tice then sitting may, upon motion of the petitioner, make
73 all such decrees as he deems reasonable and proper to en-
74 able the petitioner, through its servants and employees, to
75 ascertain the condition of the mains and pipes of the said
76 defendants named in section ten, externally and internally,
77 all work connected therewith to be in the presence of the
78 agents of the said defendants, but wholly at the expense of
79 said water district, said decree to fix the number of such
80 examinations and to impose such conditions as may to the
81 court seem just and proper in the premises. The said ap-
82 praisers shall have the power of compelling attendance of

83 witnesses and the production of books and papers pertinent
84 to the issue and may administer oaths; and any witness
85 or person in charge of such books or papers refusing to
86 attend or to produce the same shall be subject to the same
87 penalties and proceedings, so far as applicable, as witnesses
88 summoned to attend the supreme judicial court. Deposi-
89 tions may be taken as in civil actions. The said appraisers
90 may appoint a sufficient number of stenographers to enable
91 a full report of the proceedings of each day to be in readi-
92 ness for use the following day, each of said appraisers to
93 so have one copy thereof, and the parties to receive such
94 number of copies as the appraisers may deem necessary.
95 The compensation and expenses of said stenographers shall
96 be taxed and allowed by the appraisers and be paid and
97 borne as hereinafter provided. Their reports, certified by
98 said appraisers as correct, shall be filed with the award
99 to be made by said appraisers and shall be legal evidence
100 of all proceedings so reported. They shall make full re-
101 port as required in trials had in the supreme judicial court.
102 The appraisers so appointed shall, after due notice and
103 hearing, fix the valuation of the plants, properties and
104 franchises of said defendant companies and of said Carle-
105 ton at what they are fairly and equitably worth so that
106 said defendant companies and the said Carleton shall re-
107 ceive just compensation for the same. The fifteenth day
108 of November, nineteen hundred and twenty-three, shall
109 be the date as of which the valuation aforesaid shall be

110 fixed, from which date interest on said award at the rate
111 of six per centum per annum shall run and all net rents
112 and profits accruing thereafter shall belong to said water
113 district. The report of said appraisers or of a majority
114 of them shall be filed in said clerk's office within six
115 months after their appointment, but, if at the expiration of
116 of said six months the hearing before said appraisers
117 should then be in progress and unfinished, their report may
118 be so filed within thirty days after the close of said hear-
119 ing. After said report is filed, such single justice, so
120 appointing said appraisers, or in case of his inability to act,
121 then any justice designated for the purpose by the chief
122 justice, may, after notice and hearing, confirm or reject the
123 same or recommit, if justice so requires, and in case of
124 such rejection or recommittal such justice may fix the
125 times for new hearings and new report thereon. The award
126 of the appraisers shall be conclusive as to valuations. Upon
127 confirmation of their report, the court so sitting, in term
128 time or in vacation, shall thereupon, after hearing, make
129 final decree upon the whole matter, including the transfer
130 of the properties and franchises, jurisdiction over which
131 is hereby conferred with the same power to enforce said
132 decree as in equity cases. All the costs and expenses arising
133 under said petition and appraisal shall be paid and borne as
134 directed by the court in said final decree. The findings of
135 such justice as to such costs and expenses and their appor-
136 tionment shall be final. In all other matters the justice so

137 making such final decree, shall, upon request of any of the
138 parties, make separate findings of law and fact. All such
139 findings of fact shall be final, but any party aggrieved may
140 take exceptions to any rulings of law so made, the same
141 to be accompanied by only such parts of the case as are
142 necessary to a clear understanding of the questions raised
143 thereby. Such exceptions shall be claimed on the docket
144 within ten days after such final decree is signed, entered
145 and filed, and notice thereof has been given by the clerk to
146 the parties or their counsel, and said exceptions so claimed
147 shall be made up, allowed and filed within said time unless
148 further time is granted by the court or by agreement of
149 the parties. They shall be entered at the next term of the
150 law court to be held after the filing of such exceptions and
151 there heard unless otherwise agreed, or the law court shall
152 for good cause order a further time for hearing thereon.
153 Upon such hearing the law court may confirm, reverse or
154 modify the decree of the court below or remand the cause
155 for further proceedings, as it seems proper. During the
156 pendency of such exceptions the cause shall remain on the
157 docket of the court below, marked "law" and decree shall
158 be entered thereon by a single justice, in term time or in
159 vacation, in accordance with the certificate and opinion of
160 the law court. Before the aforesaid plants, properties, and
161 franchises are transferred in accordance with such final
162 decree, and before the payment therefor, the court sitting
163 in said county of Kennebec, by a single justice thereof, as

164 hereinbefore provided, shall, upon motion of any party,
165 after notice and hearing, take account of all receipts and
166 expenditures properly had and incurred by said water com-
167 panies and by said Carleton belonging to the period from
168 and after November fifteenth, nineteen hundred and thir-
169 teen, and all net rents and profits accruing thereafter, and
170 shall order the net balance due to any party to be added
171 or deducted from the amount to be paid under such final
172 decree, as the case may be. All findings of law or fact by
173 such single justice at such hearings shall be final. The
174 amount to be paid for the plant of each of the aforesaid
175 water companies and of said Carleton shall be paid to the
176 trustee of the mortgage of each respective company, if any
177 there be. On payment or tender by its certified check
178 drawn upon a reliable trust company or national bank by
179 said water district the amount so fixed and the perform-
180 ance of all other terms and conditions so imposed by the
181 court, the entire plants, properties and franchises of said
182 defendant companies and of said Carleton as described in
183 section ten shall become vested in said water district. After
184 the filing of said petition it shall not be discontinued or
185 withdrawn by said water district, and the said water com-
186 panies may thereafterwards cause said valuation to be
187 made as herein provided, and shall be entitled to appro-
188 priate process to compel said water district to perform the
189 terms of the final decree and to pay for said plants, prop-
190 erties and franchises in accordance therewith. If a vacancy

191 occurs at any time in said board of appraisers, from any
192 cause, any justice of the supreme judicial court, sitting in
193 said county of Kennebec, may, in term time or in vacation,
194 after notice and hearing, appoint a new appraiser or ap-
195 praisers and make all such orders for hearing said cause
196 by the appraisers anew or for any extension of time for
197 making their award, or otherwise, as the circumstances of
198 the case may require.

Sect. 12. All valid contracts, made in good faith, existing
2 on the fifth day of February, nineteen hundred and twenty-
3 three between said defendant companies and said Carleton
4 and any person or corporation for supplying water within
5 the said town of Winthrop shall be assumed and carried out
6 by said water district.

Sect. 13. For accomplishing the purposes of this act, said
2 water district, through its trustees, is authorized to borrow
3 money temporarily and to issue therefor the interest-bearing
4 negotiable notes of the district, and for the purpose of pay-
5 ing or refunding the indebtedness so created, of paying any
6 necessary expenses or liabilities, incurred under the pro-
7 visions of this act, including the expenses incurred in the
8 creation of the district, in acquiring the plants, properties
9 and franchises of said Hillside Water Company, of the Win-
10 throp Water Company, of the Towle Packing Company and
11 of said Carleton, by purchase or otherwise or in the
12 purchase or acquisition of the properties and franchises of
13 said defendant companies and of said Carleton of securing

14 sources of supply, taking water and lands, paying damages,
15 laying pipes, constructing, maintaining and operating a
16 water plant, and making renewals, extensions, additions and
17 improvements to the same, the said water district, through
18 its trustees, may from time to time issue bonds of the dis-
19 trict to an amount or amounts necessary in the judgment
20 of the trustee aforesaid. Said notes and bonds shall be legal
21 obligations of the water district, which is hereby declared
22 to be a quasi municipal corporation within the meaning of
23 section ninety-six; chapter forty-seven of the revised stat-
24 utes, and all the provisions of said section shall be applicable
25 thereto. The said notes and bonds shall be legal invest-
26 ments for savings banks.

Sect. 14 The property of said district shall be exempt
2 from all taxation in the town of Winthrop and in any other
3 towns where any part of its plant may be located.

Sect. 15. All individuals, firms and corporations, whether
2 private, public or municipal, shall pay to the treasurer of
3 said district the rates established by said board of trustees
4 for the water used by them, and said rates shall be uniform
5 within the territory supplied by the district. Said rates shall
6 be so established as to provide revenue for the following
7 purposes:

I. To pay the current expenses for operating and main-
2 taining the water system.

II. To provide for the payment of the interest on the in-
2 debtedness created by the district.

III. To provide each year a sum equal to not less than
2 one-half of one per centum nor more than five per centum
3 of the entire indebtedness created by the district, which sum
4 shall be turned into a sinking fund and there kept to provide
5 for the extinguishment of said indebtedness. The money
6 set aside for the sinking fund shall be devoted to the re-
7 tirement of the obligations of the district or invested in such
8 securities as savings banks are allowed to hold.

IV. If in any year there remain a surplus at the end of
2 the year, the amount of such surplus shall be deducted from
3 the hydrant rental paid to the district by the town of Win-
4 throp, and if in any year there be a deficit, the water dis-
5 trict may raise by assessment such sum of money as may be
6 necessary and sufficient to liquidate such deficit, but this
7 subsection is not to be construed as negating the effort of
8 subsection III hereof. Any money raised by said water dis-
9 trict for the purposes aforesaid, shall be assessed upon the
10 property and polls within the aforesaid territory constituting
11 said water district, by the trustees of said district, in the
12 same manner as is provided by law for the assessment of
13 county and town taxes; and said trustees may copy the last
14 valuation of said property by the assessors of the town of
15 Winthrop and assess the taxes thereon if said water district
16 so direct, and may abate any tax by them so assessed, and
17 the tax on polls shall not exceed, at any one assessment, the
18 sum of one dollar to any one person in any one year.

Sect. 16. All incidental powers, rights and privileges

2 necessary to the accomplishment of the main object herein
3 set forth are granted to the public municipal corporation
4 hereby created.

Sect. 17. This act shall take effect when approved by a
2 majority vote of the legal voters resident within said district
3 by ballot at an election to be specially called by the selectmen
4 of said town of Winthrop upon petition therefor signed by
5 at least twenty legal voters resident within said district and
6 held for that purpose unless said town of Winthrop is
7 authorized by a special act of the legislature at its present
8 session to install in similar manner a system of water works
9 in said Winthrop and the same is accepted by the voters of
10 said town of Winthrop, in which event this act shall become
11 null and void, nothing hereinbefore or hereinafter to the
12 contrary notwithstanding. Such election shall be called,
13 warned and conducted according to the law relating to mu-
14 nicipal elections in said town, provided, however, that the
15 selectmen of said town shall not be required to prepare for
16 posting or the town clerk to post a new list of voters, and
17 for the purpose of registration of voters said selectmen shall
18 be in session the secular day next preceding such special
19 election. The town clerk shall reduce the subject matter of
20 this act to the following question: "Shall the act to incor-
21 porate the Winthrop Water District be accepted?" and the
22 voters shall indicate by a cross placed upon their ballots over
23 the words "Yes" or "No" their opinion of the same. The
24 result shall be declared by the selectmen and due certificate

25 thereof filed by the town clerk with the secretary of state.

Sect. 18. Sections two, three, four, five, six, seven and
2 eight of this act shall be inoperative, null and void, unless
3 the said water district shall acquire by purchase or shall
4 first file in the office of the clerk of the Supreme Judicial
5 Court for the County of Kennebec the petition mentioned
6 in section eleven hereof for the exercise of the right of
7 eminent domain, as in this act provided, with a bona fide
8 intent to acquire the plants, properties and franchises of said
9 Hillside Water Company, of said Winthrop Water Com-
10 pany, of said Towle Packing Company and of said Carleton.

Sect. 19. Subject to the conditions, limitations and ex-
2 ceptions hereinbefore provided, this act shall take effect in
3 ninety days after the final adjournment of the legislature so
4 far as necessary to empower the calling and holding of the
5 elections authorized in section seventeen herein provided
6 for.