

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1887.

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be liable to said company for three times the amount of actual damage, to be recovered in any proper action.

Capital stock.

SECT. 6. The capital stock of said company shall not exceed fifty thousand dollars, but may be increased to one hundred thousand dollars by a vote of a majority of its stockholders, and shall be divided into shares of not exceeding one hundred dollars each.

May hold real estate.

SECT. 7. Said company, for all of its said purposes, may hold real and personal estate necessary therefor, not exceeding one hundred thousand dollars, may sell and convey the same, may issue certificates of stock to an amount not exceeding its capital stock, and may issue and sell bonds to an amount not exceeding one-half its capital stock, to aid in the construction of its works.

—issue certificates of stock and sell bonds.

Control of affairs, vested in board of directors.

SECT. 8. The affairs of said corporation shall be controlled by a board of directors, consisting of not less than three members, and elected annually by vote of the stockholders of the corporation, and the board of directors shall choose such other officers as may be required by the by-laws of the company.

—how chosen.

First meeting, how called.

SECT. 9. The first meeting of said company may be called by a written notice thereof, signed by any two corporators herein named, and served upon each corporator by giving him the same in hand or by leaving the same at his last usual place of abode, seven days before the time of meeting.

SECT. 10. This act shall take effect when approved.

Approved February 11, 1887.

### Chapter 86.

An Act to incorporate the Madison Water Company.

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

Corporators.

SECT. 1. John N. Weston, Benjamin P. J. Weston, Thomas H. Weston, Weston Lewis, Josiah S. Maxcy, A. G. Bradstreet, their associates, successors and assigns, are hereby incorporated by the name of the Madison Water Company, for the purpose of conveying to and supplying the inhabitants of the towns of Madison and Anson with water for all domestic, sanitary and municipal purposes, including the extinguishment of fires, with all the rights and privileges and

Corporate name.

subject to all the liabilities and obligations of similar corporations, under the general laws of this state.

SECT. 2. For the purposes aforesaid, said corporation may flow, detain, collect, take, store, use and distribute water from the Kennebec river, and may locate, construct and maintain cribs, reservoirs, locks, gates, sluices, aqueducts, pipes, hydrants, and all other necessary structures therefor.

Authorized to take water from Kennebec river.

SECT. 3. Said company is further authorized to erect and maintain a dam on said river, within said towns, provided, that suitable rollways shall be constructed and maintained in said dam by said company for the passage of logs and lumber.

—to construct dam.

SECT. 4. Said company is authorized to lay, construct and maintain in, under, through, along and across the highways, ways, streets, railroads and bridges in said towns, and to take up, replace and repair all such pipes, hydrants and structures as may be necessary for the purposes of its incorporation; to enter upon and excavate any highway or other way, in such manner as least to obstruct the same; to enter, pass over and excavate any lands; to take and hold, by purchase or otherwise, any real estate, rights of way or of water; and in general to do any acts necessary, convenient or proper for carrying out any of the purposes of this act.

—lay pipes, etc.

SECT. 5. Said company shall have power to cross any water course, private or public sewer, or to change the direction thereof, when necessary for the purposes of its incorporation, but in such manner as not to obstruct or impair the use thereof.

—to cross, etc., private and public sewers.

SECT. 6. Said company is authorized to lay and maintain its pipes under, in and over the Kennebec river, and to build and maintain all necessary structures therefor.

—to lay pipes, etc., under Kennebec river.

SECT. 7. Said company shall file in the registry of deeds in the county of Somerset, plans of the location of all land and water rights taken under the provisions of this act; and no entry shall be made on any lands, except to make surveys, until the expiration of ten days from said filing; and with such plan the said company may file a statement of the damages it is willing to pay to any person for any property so taken, and if the amount finally awarded does not exceed that sum, the company shall recover costs against such person, otherwise such person shall recover costs against the company.

Shall file plans of location in registry of deeds.

SECT. 8. Said corporation shall be held liable to pay all damages that shall be sustained by any persons by the taking

Liability for damages.

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of any lands, water, rights of way, or other property, or by excavating through any land, for the purpose of surveying for, locating, laying or building dams, canals, reservoirs, pipes, hydrants or other structures, by taking and holding any lands necessary for flowage, and for any other injuries resulting from said acts; and if any person sustaining damage as aforesaid, shall not agree with said corporation upon the sum to be paid therefor, either party, on petition to the county commissioners of Somerset county, within two years from the time said damages are sustained, may have said damages assessed by them, and subsequent proceedings and right of appeal thereon, shall be had in the same manuer and under the same conditions, restrictions and limitations as are by law prescribed in the case of damages by the laying out of highways. Failure to apply for damages within said two years, shall be held to be a waiver of the same.

—how ascertained in case of disagreement.

Liable for damages to highways.

SECT. 9. Said company shall, in all cases be liable to pay to said towns all sums recovered against said towns for damages by reason of any defect in any highway, way or street therein, occasioned by any fault or neglect of said company, together with reasonable counsel fees and costs incurred in defending such suits, with interest on the same; provided, said company shall have notice of any suit wherein such damages are claimed and shall be allowed to defend the same at its own expense.

Penalty for corrupting water or injuring works.

SECT. 10. Whoever shall wilfully or maliciously corrupt the water of said rivers, whether frozen or not, after said company shall commence taking the same, so as to render the water taken by said company impure, and whoever shall wilfully or maliciously injure any of the works of said company, shall be punished by imprisonment not exceeding two years, or by fine not exceeding one thousand dollars, and shall be liable to said company in three times the actual damage, to be recovered in an action on the case.

May make contracts for supplying water.

SECT. 11. Said company is authorized to make contracts with other corporations and with inhabitants of said towns for a supply of water, and may establish written regulations for the use of the same. The towns of Madison and Anson and any village corporation within said towns now or hereafter incorporated, are authorized to enter into contract with said company for a supply of water for fire and other purposes, for a term of years, and for such exemption from

Towns of Madison and Anson authorized to contract for water, and exempt co. from taxation.

public burden as may be agreed upon, which, when agreed upon, shall be legal and binding upon the parties thereto. The said water company is authorized to sell or lease any power not used by it.

SECT. 12. The capital stock of said company shall be not less than thirty thousand dollars, which may, by vote of said company, be increased to one hundred thousand dollars, to be divided into shares of one hundred dollars each. Said company may hold real and personal estate necessary and convenient for its purposes aforesaid.

Capital stock.

SECT. 13. For the purpose of carrying out the foregoing provisions or either of them, said company is authorized to issue its bonds in such form and amount and on such time and rates as it may deem expedient, and secure the same by mortgage of its property and franchise.

May issue bonds and mortgage property.

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

Approved February 11, 1887.

### Chapter 87.

An Act to amend an act entitled "An Act additional in reference to the Bath Water Supply Company."

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

SECT. 1. Section three of an act entitled "An Act additional in reference to the Bath Water Supply Company," approved February nine, eighteen hundred and eighty-seven, is hereby amended by striking out in the third and fourth lines thereof, the words "twentieth day of January," and insert the words 'third day of February,' so that said section, as amended, shall read as follows :

Charter of Bath Water Supply Co., amended.

'SECT. 3. The mortgages made by the Bath Water Supply Company to the Boston Safe Deposit and Trust Company, as trustee, dated the first day of December, in the year of our Lord one thousand eight hundred and eighty-six, and the third day of February, in the year of our Lord one thousand eight hundred and eighty-seven, and recorded in the registry of deeds of Sagadahoc county, and the obligations which said mortgages purport to secure, are hereby ratified and confirmed.'

Mortgages ratified.