

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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1887.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1887.

Chapter 278.

An Act to incorporate the Canton Water Company.

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

- SECT. 1. John P. Swasey, Weston Lewis, J. S. Maxcy, Otis Hayford, H. J. Deshon, G. Childs, Charles H. Gilbert, Oscar Childs, H. M. Heath, A. G. Bradstreet, W. E. Maxcy, O. A. Tuell, A. M. Spear, their associates, successors and assigns, are hereby incorporated by the name of the Canton Water Company, for the purpose of conveying to and supplying the inhabitants of the town of Canton with water for all domestic, sanitary and municipal purposes, including the extinguishment of fires, with all the rights and privileges and 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 Androscoggin river, Whitney brook, so called, and Whitney pond, so called, and may locate, construct and maintain dams, cribs, reservoirs, locks, gates, sluices, aqueducts, pipes, hydrants and all other necessary structures therefor.
- SECT. 3. Said company is authorized to lay, construct and maintain in, under, through, along and across the highways, ways, streets, railroads and bridges in said town, 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.
- SECT. 4. Said company shall have power to cross any water course, private or public sewer, or to change the direction thereof, where necessary for the purposes of its incorporation, but in such manner as not to obstruct or impair the use thereof, and said company shall be liable for any injury caused thereby. Whenever said company shall lay down any fixture in any highway, way or street, or make any alterations or repairs upon its works in any highway, way or street, it shall cause the same to be done with as little obstruction to public

Corporators.

Corporate name.
—purpose.Authorized to
take water.Authorized to
lay pipes in
highways.May cross any
private or pub-
lic sewer.—shall repair
streets.

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travel as may be practicable, and shall at its own expense, without unnecessary delay, cause the earth and sidewalks then removed by it, to be replaced in proper condition.

May lay pipes under Androscoggin river.

SECT. 5. Said company is authorized to lay and maintain its pipes under, in and over the Androscoggin river, and to build and maintain all necessary structures therefor.

Shall file plan in registry of deeds.

SECT. 6. Said company shall file in the registry of deeds, in the county of Oxford, 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.

—may file statement of damages it is willing to pay.

Liability for damages.

SECT. 7. Said corporation shall be held liable to pay all damages that shall be sustained by any persons, by the taking 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 Oxford county, within twelve months after said plans are filed, may have said damage assessed by them, and subsequent proceedings and right of appeal thereon, shall be had in the same manner 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 twelve months, shall be held to be a waiver of the same.

—damages, how assessed in case of disagreement.

Liability for damages to streets.

SECT. 8. Said company shall in all cases be liable to pay to said town, all sums recovered against said town 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.

SECT. 9. Whoever shall wilfully or maliciously corrupt the water of said river, pond or brook, whether frozen or not, after said company shall commence taking the same, 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.

Penalty for corrupting water or injuring property.

SECT. 10. Said company is authorized to make contracts with other corporations and with inhabitants of said town, for a supply of water, and may establish written regulations for the use of the same. The town of Canton is 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 public burden as may be agreed upon, which when agreed upon, shall be legal and binding upon the parties thereto.

May contract to supply water.

Town may contract for supply of water and exempt from taxation.

SECT. 11. The capital stock of said company shall be sixty thousand dollars, 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. 12. 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. 13. The first meeting of said corporation shall be called at said Canton, on a notice in writing, signed by any two of the first three corporators named in section one. Such notice shall be served in hand or by mail, postage prepaid, at least seven days before the day appointed therefor. At such meeting any corporator may be represented and act by proxy.

First meeting, how called.

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