

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1893.

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1893.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1893.

with and use the same on such terms and in such manner as may be agreed upon between the parties, or if they shall not agree, to be determined by the railroad commissioners for the state of Maine.

SECT. 11. Said corporation is hereby authorized to issue bonds in such amount, and on such time as may from time to time, be determined, in aid of the purposes specified in this act, and to secure the same by a mortgage of its franchises and property. It is also hereby authorized to lease all of its property and franchises upon such terms as it may determine.

May issue bonds and mortgage property.

—lease property.

SECT. 12. The first meeting of said corporation may be called by any two of said corporators giving actual notice in writing to their several associates, and said corporation may make such by-laws as are proper and not contrary to the laws of the state.

First meeting, how called.

SECT. 13. This charter shall be null and void unless operations for building said railway shall have been actually commenced within two years from the passage of this act.

When charter shall be void.

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

Approved March 28, 1893.

Chapter 597.

An Act to incorporate the Warren Water Company.

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

SECT. 1. Thomas Walker, M. R. Mathews, N. B. Eastman, Edwin Smith and Joseph N. Vinal, and such persons as they may associate with themselves in the enterprise, and their successors, are hereby incorporated into a corporation by the name of the Warren Water Company, for the purpose of supplying the town of Warren, in the county of Knox, and the inhabitants of said town with pure water for domestic, sanitary and municipal purposes, including extinguishment of fires.

Corporators.

—corporate name.

SECT. 2. Said company, for said purposes, may retain, collect, take, store, use and distribute water from Georges' river in said Warren and from North and South ponds and any springs within a radius of one and one-half miles from the post office in said Warren, and may locate, construct and

May take water.

—lay pipes.

CHAP. 597

maintain cribs, reservoirs, aqueducts, gates, pipes, hydrants and all other necessary structures therefor; but said company shall have no right to raise the water of said ponds or river above the natural level thereof.

May lay pipes along the highway, etc.

SECT. 3. Said company is hereby 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 sluices, aqueducts, pipes, hydrants and structures as may be necessary for the purposes of their incorporation, so as not to unreasonably obstruct the same under such reasonable restrictions and conditions as the selectmen of said town may impose. And said company shall be responsible for all damages to persons and property occasioned by the use of such highways, ways and streets, and shall further be liable to pay to said town all sums recovered against said town for damages from obstruction caused by said company, and for all expenses, including reasonable counsel fees incurred in defending such suits, with interest on the same.

—responsibility for all damages.

May cross any private or public sewer.

SECT. 4. Said company shall have power to cross any water course, private and public sewer, or to change the direction thereof when necessary for the purposes of their 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, 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 travel as may be practicable, and shall at its own expense, without unnecessary delay, cause the earth and pavements there removed by it to be replaced in proper condition.

—shall not obstruct travel.

May take land.

SECT. 5. Said company may take and hold any lands necessary for reservoirs, gates, hydrants and other necessary structures, and may locate, lay and maintain, aqueducts, pipes, hydrants and other necessary structures or fixtures in, over and through any lands for its said purposes, and excavate in and through such lands for such location, construction and maintenance. It may enter upon such lands to make surveys and location, and shall file in the registry of deeds for said county of Knox, plans of such location and lands, showing the property taken, and within thirty days thereafter, publish

—shall file plan of location, in registry of deeds of Knox county.

notice of such filing in some newspaper in said county, such publication to be continued three weeks successively. Not more than one rod in width of land shall be occupied by any one line of pipe or aqueduct, and not more than two acres by any one reservoir.

SECT. 6. Should the said company and the owner of such land be unable to agree upon the damages to be paid for such location, taking, holding and construction, the land owner may, within twelve months after said filing of plans of location, apply to the commissioners of said county of Knox, and cause such damages to be assessed 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, so far as such law is consistent with the provisions of this act. If said company shall fail to pay such land owner, or deposit for his use with the clerk of the county commissioners aforesaid, such sum as may be finally awarded as damages, with costs when recovered by him, within ninety days after notice of final judgment shall have been received by the clerk of courts of said county, the said location shall be thereby invalid, and said company forfeit all rights under the same as against such land owner. Said company may make a tender to any land owner damaged under the provisions of this act, and if such land owner recovers more damages than were tendered him by said company, he shall recover costs, otherwise said company shall recover costs. In case said company shall begin to occupy such lands before the rendition of final judgment, the land owner may require said company to file its bond to him with said county commissioners, in such sum and with such sureties as they approve, conditioned for said payment or deposit. No action shall be brought against said company for such taking, holding and occupation, until after such failure to pay or deposit as aforesaid. Failure to apply for damages within three years by the land owner, shall be held to be a waiver of the same.

Damages, how
ascertained, in
case of
disagreement.

SECT. 7. Any person suffering damage by the taking of water by said company as provided by this act, may have his damages assessed in the manner provided in the preceding section, and payment therefor shall be made in the same manner and with the same effect. No action shall be brought for the same until after the expiration of the time of pay-

Damages, for
taking water,
how assessed.

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ment. And a tender by said company may be made with the same effect as in the preceding section.

May contract to supply water.

SECT. 8. Said corporation is hereby authorized to make contracts with the United States, and with corporations, and inhabitants of said town of Warren for the purpose of supplying water as contemplated by this act; and said town of Warren is hereby authorized to enter into contract with said company for a supply of water for public uses on such terms as the parties may agree, which when made, shall be legal and binding on all parties thereto, and said town of Warren for this purpose may raise money in the same manner as for other town charges.

—to wn, may contract for water.

Capital stock.

SECT. 9. The capital stock of said company shall be five thousand dollars, which may be increased to five hundred thousand dollars by a vote of said company, and said stock shall be divided into share of ten dollars each.

May hold real and personal estate.

SECT. 10. Said company for all of its said purposes, may hold real and personal estate necessary and convenient therefor, not exceeding in amount five hundred thousand dollars.

May issue bonds and mortgage property.

SECT. 11. Said company may issue its bonds for the construction of its works of any and all kinds upon such rates and time as it may deem expedient, to the amount not exceeding in all the sum of five hundred thousand dollars, and secure the same by mortgage of the franchise and property of said company, but the bonds issued shall not at any time exceed in amount, the capital stock of the company.

First meeting, how called.

SECT. 12. The first meeting of said company may be called by a written notice thereof, signed by any corporator herein named, 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.

When act shall be void.

SECT. 13. This act shall become null and void in two years from the day when the same shall take effect, unless said company shall have organized and commenced actual business under this charter.

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

Approved March 23, 1893.