

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE

1897

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PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1897.

rators, seven days at least before the day of the meeting, naming the time, place and purpose of such meeting, and at such meeting the necessary officers may be chosen, by-laws adopted and any other corporate business transacted.

Sect. 17. This act shall take effect when approved.

Approved March 3, 1897.

Chapter 393.

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. William F. Wight, K. F. Wight, A. J. Wight, B. J. Whittier, and J. T. Robinson, their associates, successors and assigns, are hereby made 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.

Corpora-
tors.

Corporate
name.

—purposes.

Sect. 2. Said company, for said purposes, may retain, collect, take, store, use and distribute water from any springs within a radius of two miles from the post office in said Warren, except such springs as are in actual use for supplying water for domestic purposes, and may locate, construct and maintain cribs, reservoirs, aqueducts, gates, pipes, hydrants and all other necessary structures therefor.

May take
water and
construct
reservoirs,
etc.

Sect. 3. Said company is hereby authorized to lay, construct and maintain in, under, through, along and across the highways, ways, streets 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 its incorporation, so as not to unreasonably obstruct the same, under such reasonable restrictions and conditions as the selectmen of said town may impose. It 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 for obstruction caused by said company, and for all expenses, including reasonable counsel fees incurred in defending such suits, with interest on the same, provided said com-

May lay
pipes, etc.,
through
any high-
way.

—responsi-
ble for all
damages.

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Manner of crossing any railroad, shall be determined by railroad commissioners.

pany shall have notice of such suits and opportunity to defend the same. In case any pipes are laid across the right of way of any railroad company, if unable to agree with such railroad company as to place, manner and conditions of crossing its railroad with such pipes, the place, manner and conditions of such crossing shall be determined by the railroad commissioners and all work within the limits of the railroad location shall be done under the supervision and to the satisfaction of the officers and agents of said railroad company, but at the expense of said water company.

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 its incorporation, but in such manner as not to obstruct or impair the use thereof, and it 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 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 public travel.

May take springs and lands and lay pipes.

Sect. 5. Said company may take and hold any springs as limited in section two, and also any lands necessary therefor and for reservoirs, 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 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.

—shall file plans of location in registry of deeds.

Damages, how assessed in case of disagreement.

Sect. 6. Should the said company and the owner of such land so taken 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.

—if damage is not paid within 90 days, location invalidated.

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

Damages for taking water, how assessed.

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 by its selectmen, or any village corporation therein, by its assessors, is hereby authorized to enter into contract with said company for a supply of water for public uses on such terms and for such time 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

May contract to supply water.

—town may contract for water.

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—may sell
water to
another
company.

Capital
stock.

May hold
real and
personal es-
tate.

May issue
bonds and
mortgage
property.

First meet-
ing, how
called.

When act
shall be
void.

town charges. Said corporation is further authorized to sell water to any incorporated water company with the pipes of which the pipes of said Warren Water Company may connect.

Sect. 9. The capital stock of said company shall not exceed fifty thousand dollars, and said stock shall be divided into shares of one hundred dollars each.

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

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 an amount not exceeding in all the capital stock of said corporation subscribed for, and secure the same by mortgage or mortgages of the franchise and property of said company.

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.

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 3, 1897.

Chapter 394.

An Act to amend Chapter five hundred and fifty of the Private Laws of eighteen hundred and eighty-nine, entitled "An Act to incorporate the Mousam River Railroad Company."

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

Chapter 550,
private laws,
1889,
amended.

Sect. 1. Chapter five hundred and fifty of the private laws of eighteen hundred and eighty nine, is hereby amended by adding section eight, and by striking out the word "and" between the words "Lyman" and "Kennebunk" in the thirteenth line, and striking out the words "to some point at or near the village of Kennebunk" in the thirteenth and fourteenth lines, and adding after the word "Kennebunk" in the said thirteenth line 'across