

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.

CHAP. 497

Chapter 497.

An Act relating to and amendatory of Chapter two hundred thirteen, Special Laws of eighteen hundred and ninety-one, entitled "An Act to incorporate the York Light and Heat Company."

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

Company
authorized
to re-
fund debt.

Sect. 1. The York Light and Heat Company is hereby authorized and empowered to take up, cancel and retire its bonds already issued and the mortgage securing the same, and for that purpose may issue bonds for the payment of, or the refunding of its indebtedness, also for the further construction of its works, for such an amount, and upon such rate and time as it may deem expedient and necessary, not to exceed the sum of fifty thousand dollars, in addition to the amount of its present bonded indebtedness, and may secure the same by a mortgage or deed of trust of its franchise, or franchises, property and estate owned by or to be hereafter acquired by said corporation, but said mortgage shall not diminish the security of its bonds, heretofore issued by said corporation remaining unpaid.

Sect. 2. This act shall take effect when approved.

Approved March 23, 1897.

Chapter 498.

An Act to incorporate the Searsport Water Company.

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

Corpora-
tors.

Sect. 1. J. W. Black, F. I. Mortland, W. Grinnell, W. H. Hayden, C. F. Gordon, J. H. Kneeland, their associates, successors and assigns, are hereby made a corporation by the name of the Searsport Water Company, for the purpose of supplying the town of Searsport, in the county of Waldo, and the inhabitants of said town, with pure water for domestic, sanitary and municipal purposes, including extinguishment of fires.

—corporate
name.

Authorized
take water.

Sect. 2. Said company, for said purposes, may retain, collect, take, store, use and distribute water from any springs, except such springs as are in actual use for domestic purposes, ponds, streams, or other water sources in said Searsport, or from Boyd's pond in Stockton Springs, and may locate, con-

struct and maintain cribs, reservoirs, aqueducts, gates, pipes, hydrants and all other necessary structures therefor. CHAP. 498

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 towns, 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 towns 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 towns 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 company shall have notice of such suits and opportunity to defend the same.

May lay pipes, etc., along any highway.

—responsible for all damages.

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.

May cross any water course or sewer.

—shall not obstruct public travel.

Sect. 5. Said company may take and hold any waters as limited in section two and also any lands necessary 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 Waldo, 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 suc-

May take water and land.

—shall file plan of location in registry of deeds.

CHAP. 498

cessively. Not more than one rod in width of land shall be occupied by any one line of pipe or aqueduct.

Damages,
how as-
sessed.

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 Waldo, 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 dam-
ages are
not paid,
location is
invalid.

—shall file
bond before
occupying
land.

—failure to
apply for
damages,
shall be
held to be a
waiver of
same.

Damages
for taking
water, how
assessed.

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.

May con-
tract to
supply
water.

Sect. 8. Said corporation is hereby authorized to make contracts with the United States, and with corporations, and inhab-

itants of said town of Searsport or any village corporation therein for the purpose of supplying water as contemplated by this act; and said town of Searsport by its selectmen, or such village corporation 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 Searsport for this purpose may raise money in the same manner as for other town charges.

—town may
contract
for water.

Sect. 9. The capital stock of said company shall be fifty thousand dollars, and said stock shall be divided into shares of one hundred dollars each.

Capital
stock.

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.

May hold
real estate.

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.

May issue
bonds and
mortgage
property.

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.

First meet-
ing, how
called.

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.

Charter
void in two
years.

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

Approved March 23, 1897.