

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1903.

Chapter 289.

An Act to incorporate the Hillside Water Company.

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

Section 1. Albert Peirce, William Heagan, A. S. Newman, Fred Shaw, Hayward Peirce, C. C. Emerson and A. T. Snow, their associates, successors and assigns, are hereby made a corporation by the name of the Hillside Water Company for the purpose of supplying the town of Frankfort in the county of Waldo and the inhabitants of said town with pure water for domestic, sanitary and municipal purposes, including the extinguishment of fires.

Corporators.

—corporate name.

Section 2. Said company for said purposes may retain, collect, take, store, use and distribute water from any springs, ponds, streams and other water sources in said Frankfort and may locate, construct and maintain cribs, reservoirs, aqueducts, gates, pipes, hydrants and all other necessary structures therefor.

May take water in town of Frankfort.

Section 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 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 towns all sums recovered against said towns for damages for obstructions caused by said company, and for all expenses 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.

—liability for damages.

Section 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 sewers, etc.

CHAP. 289

May take
lands.

—location
shall be filed.

—width of
location.

Proceedings
when parties
disagree as to
damages for
taking land.

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

Section 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, either party 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 railroads, 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 forfeits 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
for taking
of water,
how assessed

Section 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.

Section 8. Said corporation is hereby authorized to make contracts with the United States, and with corporations, and inhabitants of said town of Frankfort or any village corporation therein for the purpose of supplying water as contemplated by this act; and said town of Frankfort, or such village corporation, is hereby authorized to enter into contracts 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 Frankfort for this purpose may raise money in the same manner as for other town charges.

May supply water.

Section 9. The capital stock of said company shall be ten thousand dollars, and said stock shall be divided into one thousand shares of ten dollars each.

Capital stock

Section 10. Said company for all of its said purposes, may hold real and personal estate necessary and convenient therefor.

May hold real and personal estate.

Section 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.

Section 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 meeting, how called.

Section 13. Said town of Frankfort at any time after the expiration of five years from the opening for use and service of a system of water works constructed by said corporation and after a vote in a legal town meeting to that effect has been passed, shall have the right to purchase, and by this act said corporation is required to sell to said town said system of water works including everything appertaining thereto, and if said town and corporation cannot agree upon the terms, upon such terms and that such price as shall be determined and fixed by the chief justice of the supreme court of the state of Maine, after due hearing of the parties interested, and from the decision of said chief justice there shall be no appeal.

Town may purchase works after five years.

CHAP. 290

Charter void
in two years
unless
business is
commenced.

Consent of
Winterport
Water Co. to
be obtained.

Section 14. 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.

Section 15. The rights herein provided shall not be exercised by said incorporators without the consent in writing of the Winterport Water Company, a corporation located at Winterport in said county, first obtained.

Section 16. This act shall take effect when approved.

Approved March 25, 1903.

Chapter 290.

An Act to renew and extend the charter of the Boothbay Harbor Banking Company.

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

Charter
extended for
two years.

The charter incorporating certain persons into a body corporate and politic to be known as the Boothbay Harbor Banking Company, being chapter one hundred and forty-one of the private and special laws of eighteen hundred and ninety-nine, which was renewed and extended by chapter three hundred and fifty-three of the private and special laws of nineteen hundred and one, is hereby renewed and extended for a further term of two years.

Approved March 25, 1903.

Chapter 291.

An Act to incorporate the Patten Trust Company.

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

incorporators.

Section 1. N. M. Jones, H. P. Gardner, Don. A. H. Powers, Albert A. Burleigh, I. K. Stetson, James McNutty, R. D. Gardner, S. L. Huston, George W. Cooper and Laroy Miles, or such of them as may by vote accept this charter, with their associates, successors and assigns, are hereby made a body corporate and politic to be known as the Patten Trust Company, and as such shall be possessed of all the powers, privileges and immunities and subject to all the duties and obligations conferred on corporations by law.

—corporate
name.