

MAINE STATE LEGISLATURE

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Sixty-Second Legislature.

HOUSE.

No. 70.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-FIVE.

AN ACT to incorporate the Ellsworth Water Company.

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

SECTION 1. Albert W. Cushman, Albert H.
2 Norris, Charles C. Burrill, George A. Parcher,
3 Arthur I. Saunders, Fred B. Aiken, John F.
4 Whitcomb, Frederick E. Hartshorn, John B.
5 Redman, Edward F. Robinson, and such persons
6 as they may associate with themselves in the en-
7 terprise, and their successors, are hereby incorpo-
8 rated into a corporation by the name of the
9 Ellsworth Water Company, for the purpose of
10 supplying the city of Ellsworth, in the county of

11 Hancock, and the inhabitants of said city, with
12 pure water for industrial, manufacturing, domestic,
13 sanitary and municipal purposes, including extin-
14 guishment of fires.

SECT. 2. Said company, for said purposes, may
2 flow, detain, collect, take, store, use and distribute
3 water from Branch Pond, Branch Pond Stream,
4 and any other stream flowing from said pond, all
5 in said Ellsworth, and may locate, construct and
6 maintain dams, cribs, reservoirs, locks, gates,
7 sluices, aqueducts, pipes, hydrants, and all other
8 necessary structures therefor.

SECT. 3. Said company is hereby authorized to
2 lay, construct and maintain in, under, through,
3 along and across the highways, ways, streets, rail-
4 roads and bridges in said city, and to take up,
5 replace and repair all such sluices, aqueducts,
6 pipes, hydrants and structures as may be neces-
7 sary for the purposes of their incorporation, under
8 such reasonable restrictions and conditions as the
9 mayor and aldermen of said city may impose.
10 And said company shall be responsible for all
11 damages to all corporations, persons and property
12 occasioned by the use of such highways, ways and
13 streets, and shall further be liable to pay to said
14 city all sums recovered against said city for dam-

15 ages from obstruction caused by said company,
16 and for all expenses, including reasonable counsel
17 fees, incurred in defending such suits, with inter-
18 est on the same.

SECT. 4. Said company shall have power to
2 cross any water-course, private or public sewer, or
3 to change the direction thereof where necessary
4 for the purposes of their incorporation, but in such
5 manner as not to obstruct or impair the use
6 thereof; and said company shall be liable for any
7 injury caused thereby; whenever said company
8 shall lay down any fixtures in any highway, way
9 or street, or make any alterations or repairs upon
10 its works in any highway, way or street, it shall
11 cause the same to be done with as little obstruction
12 to public travel as may be practicable, and shall,
13 at its own expense, without unnecessary delay,
14 cause the earth and pavements thus removed by
15 it to be replaced in proper condition.

SECT. 5. Said company is hereby authorized to
2 lay, construct and maintain its pipes under, in and
3 over Union River, and to build and maintain all
4 necessary structures therefor; all to be done at
5 such places as may be necessary for the said pur-
6 poses of said company, and not to unnecessarily
7 obstruct navigation.

SECT. 6. Said company may take and hold any
2 lands necessary for flowage, and also for its dams,
3 reservoirs, locks, gates, hydrants, and other nec-
4 essary structures, and may locate, lay and maintain
5 sluices, aqueducts, pipes, hydrants, and other nec-
6 essary structures or fixtures in, over and through
7 any lands for its said purposes, and excavate in
8 and through such lands for such location, con-
9 struction and maintenance. It may enter upon
10 such lands to make surveys and locations, and
11 shall file in the Registry of Deeds, in said county
12 of Hancock, plans of such location and lands,
13 showing the property taken, and within thirty
14 days thereafter, publish notice of such filing in
15 some newspaper in said county, such publication
16 to be continued three weeks successively. Not
17 more than two rods in width of lands shall be
18 occupied by any one line of pipe or aqueduct,
19 and not more than three acres by any one reser-
20 voir.

SECT. 7. Should the said company and the owner
2 of such land be unable to agree upon the damages
3 to be paid for such location, taking, holding and
4 construction, the land owner may within twelve
5 months after said filing of plans of location apply
6 to the commissioners of said county of Hancock

7 and cause such damages to be assessed in the same
8 manner and under the same conditions, restrictions
9 and limitations as are by law prescribed in the case
10 of damages by the laying out of highways, so far
11 as such law is consistent with the provisions of
12 this act. If said company shall fail to pay such
13 land owner, or deposit for his use with the clerk of
14 the county commissioners aforesaid, such sum as
15 may be finally awarded as damages, (with costs
16 when recovered by him), within ninety days after
17 notice of final judgment shall have been received
18 by the clerk of courts of said county, the said
19 location shall be thereby invalid and said company
20 forfeit all rights under the same as against such
21 land owner. Said company may make a tender to
22 any land owner damaged under the provisions of
23 this act, and if any such land owner recovers more
24 damages than were tendered him by said company
25 he shall recover costs, otherwise said company
26 shall recover costs. In case said company shall
27 begin to occupy such lands before the rendition of
28 final judgment, the land owner may require said
29 company to file its bond to him with said county
30 commissioners, in sum and with such sureties as
31 they may approve, conditional for said payment or
32 deposit. No action shall be brought against said

33 company for such taking, holding and occupation,
34 until after such failure to pay or deposit as afore-
35 said. Damages caused by flowage are to be ascer-
36 tained and paid in the same manner.

SECT. 8. Any person suffering damage by the
2 taking of water by said company as provided by
3 this act may have his damages assessed in the
4 manner provided in the preceding section and pay-
5 ment therefor shall be made in the same manner
6 and with the same effect. No action shall be
7 brought for the same until after the expiration of
8 the time of payment. And a tender by said com-
9 pany may be made with the same effect as in the
10 preceding section.

SECT. 9. Said company is hereby authorized to
2 make contracts with the United States and with
3 corporations and inhabitants of said city of Ells-
4 worth for the purposes of supplying water as con-
5 templated by this act. And said city of Ellsworth
6 is hereby authorized by its Mayor and Aldermen
7 to enter into contract with said company for a sup-
8 ply of water for any and all purposes mentioned
9 in this act, and for such exemption from public
10 burden as said city and said company may agree,
11 which when made shall be legal and binding upon
12 all parties thereto.

SECT. 10. Whoever shall willfully or maliciously
2 or in any way, corrupt the water of said pond or
3 streams or any of the tributaries thereto whether
4 frozen or not, or in any way render such waters
5 impure whether frozen or not, or whoever shall
6 willfully or maliciously injure any of the works of
7 said company, shall be punished by fine not ex-
8 ceeding one thousand dollars or by imprisonment
9 not exceeding two years, and shall be liable to said
10 company for three times the actual damage, to be
11 recovered in any proper action.

SECT. 11. The capital stock of said company
2 shall be one hundred thousand dollars, which may
3 be increased to two hundred thousand dollars by a
4 vote of said company, and said stock shall be di-
5 vided into shares of one hundred dollars each.

SECT. 12. Said company for all of its said pur-
2 poses may hold real and personal estate necessary
3 and convenient therefor not exceeding two hundred
4 thousand dollars.

SECT. 13. Said company may issue its bonds for
2 the construction of its works of any and all kinds,
3 upon such rates and time as it may deem expedient,
4 not exceeding the sum of two hundred thousand
5 dollars and secure the same by mortgage of the
6 franchise and property of said company.

SECT. 14. The first meeting of said company
2 may be called by a written notice thereof, signed
3 by any three corporators herein named, served
4 upon each corporator by giving him the same in
5 hand, or by leaving the same at his last usual place
6 of abode, seven days before the time of meeting.

SECT. 15. This act shall take effect when ap-
2 proved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 6, 1885. }

Presented by Mr. DYER, and on his motion ordered printed.

NICHOLAS FESSENDEN, *Clerk.*