

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FORTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE.

1869.

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1869.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1869.

Chapter 237.

CHAP. 237.

An act to incorporate the Royalls River Water Power Company.

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

SECT. 1. Ansel L. Loring, Charles J. Little, Sylvanus C. Blanchard, Richard O. Conant, Barnabas Freeman, Charles D. Brown, Elias B. Denison, Washington Jordan, their associates, successors and assigns, are hereby incorporated and made a body politic by the name of the Royalls River Water Power Company, for the purpose of increasing and improving the water power of Royalls river, in the county of Cumberland; and to this end they are hereby authorized to purchase and hold such personal and real estate as may be necessary, not exceeding in value the sum of ten thousand dollars, for the purpose of erecting and maintaining dams across Royalls river, at or near the outlets of Sabbath Day or Seabody and Lilley ponds, in New Gloucester, and such other dams or canals on said Royalls river and its branches as they may deem necessary; subject only to such damages as are provided by the statutes of the state in the case of mill owners for flowage.

SECT. 2. After the dam or dams authorized by this act have been erected, said corporation may from time to time assess the owner or occupant of any water mill using the water passing through or over the same and situated on said river, their just proportion of the cost and expense of erecting, maintaining and managing the same, with their proportion of all damages paid for flowing; any person aggrieved by said assessment within sixty days from said assessment may file with the county commissioners of the county of Cumberland, an application for an abatement of the whole or any part of said assessment, stating therein the reason for such abatement; and said commissioners shall thereupon proceed to hear the parties and determine all questions raised by such application, and they may abate any and all of such assessment, or approve the same or any part thereof, and their award, or order, or determination shall conclude the parties, and they may award the cost of their expenses of hearing against either party, as they deem just and equitable. If said assessment or any part thereof is approved by said commissioners, the amount thus approved may be recovered of the person so assessed by said corporation, in an action for money paid, laid out and expended; and in case no application is made by a person assessed as aforesaid, said corporation may recover such assessment of the person assessed by an action as aforesaid after demand therefor; but any mill owner not using at any time voluntarily any more water than the natural flow of the stream at such time, shall not be liable under the provisions of this act.

Corporators.

Corporate name.

Purpose.

May hold real and personal estate.

May build dams.

Damages for flowage.

Assessments for use of water.

Persons aggrieved by said assessments may apply to co. commissioners for abatement.

Actions to recover assessments.

Certain owners exempt from the provisions of this act.

CHAP. 237.

May take land
for dams and
improvements.

SECT. 3. The corporation may enter upon and hold such land as may be necessary to build and maintain said dams and make said improvements, and shall pay to the owners of such land taken, the fair and just value thereof; and in case of disagreement as to the value, any person whose property has been so taken may apply to the county commissioners of the county in which such lands are taken, to affix said value, under the same mode of proceeding and with the same remedies as are provided by law in cases of lands taken for railroads.

Officers.

SECT. 4. In the choice of officers and all transactions of business of the corporation at its first meeting, the owners of each power on said river shall be entitled to one vote. At subsequent meetings, the number of votes to which each power shall be entitled, shall be in proportion to the share of the expenditure for which said power is liable. No sale or alienation of the company's property shall be made without a unanimous vote of the corporation, at a meeting specially called for such purpose. The first meeting of said company may be called by any one of the persons named in this act, by publishing in any daily newspaper printed in Portland, a notice thereof, setting forth the time, place and purpose of said meeting, for three days in succession, the last publication thereof to be at least five days preceding the day of said meeting.

Votes, number
of, regulated.

Sale of property.

First meeting,
how called.

Water furnished
to mills.

Controversy
relating to, how
determined.

SECT. 5. Said corporation shall at all times furnish the mills on Royalls river as much water as they now receive, if the same is held back by their dam; and in case of any controversy between any mill owner on Royalls river and said corporation, as to the quantity of water said mill owner is entitled to receive in any given stage of water in said ponds, on complaint in writing, by either party, to the county commissioners of Cumberland county, said commissioners shall notify all parties interested in such manner as they may order, of the time and place of hearing, and may hear the parties, and thereupon may award, fix and determine in the premises what said corporation shall do, if anything, and fix the terms and conditions, size of gates and quantity of water said corporation shall furnish at any given state of water above said dam; and they may alter or change their award and determination from time to time as they see fit; and the cost and expense of such hearing shall be paid by the party said commissioners shall order.

Meaning of act
explained.

It being the intent of this section that the present water power on said stream shall not be diminished, but may be extended and enlarged so far as the use of the water held in the reservoir hereby authorized, and drawn for the benefit of all the mills aforesaid will extend and enlarge the power aforesaid. *Provided*, that any person who is now a mill owner or may hereafter become a mill

Proviso.

owner on this river, shall be allowed to become a member of this corporation with all the privileges thereof. CHAP. 238.

SECT. 6. This act shall take effect when approved.

Approved March 6, 1869.

Chapter 238.

An act to incorporate the Athens Railroad Company.

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

SECT. 1. John Ware, Jr., S. L. Tobey, Fred. G. Greene, C. F. Barker, C. F. H. Greene, Jas. S. Tobey, John Ware, H. S. French, L. D. Hight, J. L. Foss, C. H. Jones, W. Holbrook, S. E. Morrill, O. W. McIntire, J. C. Kinsman, Abel C. French, D. Paine, Eli W. Thompson, D. F. Hobart, N. B. Chadbourne, Joel Hobart, Cyrus Libby and Peter Walker, their associates, successors and assigns, are hereby made and constituted a body politic and corporate by the name of the Athens Railroad Company, and by that name may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges, and in the performance of the duties hereinafter granted and enjoined, and to prevent all invasions thereof or interruptions in exercising and performing the same. And the said corporation are hereby authorized and empowered to locate, construct and finally complete, alter and keep in repair a railroad with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains and all other necessary appendages, from some point in Skowhegan village in Somerset county; thence through the town of Cornville, to the village in the town of Athens in said county, with the right to connect with the Somerset and Kennebec Railroad in the town of Skowhegan; or said corporation may commence from some point in or near Hartland village in Somerset county, and construct their road to Athens village in said county, by the most practicable route; and may have the right to connect at Hartland with any railroad which may pass through said town; and said incorporators shall determine on or before the first day of January, in the year of our Lord eighteen hundred seventy-two, which road they will construct, whether from Skowhegan to Athens, or from Hartland to Athens, and shall have the right to construct but one road; and upon their election which road they will construct, the charter for the other shall become null and of no effect. And said

Corporators.

Corporate name.

Rights, powers and privileges.

Location and route.

Shall determine which road shall be constructed.

Charter of other road to become void.