

MAINE STATE LEGISLATURE

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Sixty-Fourth Legislature.

HOUSE.

No. 71.

STATE OF MAINE.

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

AN ACT to incorporate the Citizens Water Company of Ellsworth.

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

SECTION. 1. Fred B. Aiken, Lewis Friend, Charles H. 2 Haynes, Augustus E. Moore, George R. Campbell, Joseph 3 M. Higgins, Albert M. Hopkins, Fred L. Frazier, Frank 4 McGown, Hoyt H. Harden, their associates, successors 5 and assigns, are hereby made a corporation under the 6 name of the Citizens' Water Company of Ellsworth, for 7 the purpose of supplying the city of Ellsworth in the 8 county of Hancock, Maine, or any part thereof, with pure 9 water for domestic, manufacturing, private and public 10 uses, including the extinguishment of fires.

SECT. 2. Said corporation may take and hold, by 2 purchase or otherwise, real and personal estate necessary

3 and convenient for the purposes aforesaid, not exceeding
4 two hundred thousand dollars.

SECT. 3. Said company is hereby authorized, for the
2 purposes aforesaid, to take, collect, store, flow, use, detain,
3 distribute, and convey to the city of Ellsworth, water
4 from Branch pond or Reeds pond in said Ellsworth, or
5 any streams flowing from either of them, or from any part
6 of Union river or any tributary thereof in said Ellsworth,
7 and it is also authorized to locate, construct and maintain,
8 dams, reservoirs, locks, gates, sluices, aqueducts, pipes,
9 conduits, stand-pipes, hydrants, and all other necessary
10 structures therefor.

SECT. 4. Said company is hereby authorized to lay,
2 construct and maintain in, under, through, along and across
3 the highways, ways, streets, railroads and bridges in said
4 city, and to take up, replace and repair all such sluices,
5 aqueducts, pipes, hydrants and structures as may be
6 necessary for the purposes of their incorporation, under
7 such reasonable restrictions and conditions as the mayor
8 and aldermen of said city may impose. Said company
9 is also authorized to lay, construct and maintain its pipes
10 under, in and over Union river and to build and maintain
11 all necessary structures therefor; all to be done at such
12 places as may be necessary for the said purposes of said
13 company and not to obstruct navigation. And said com-
14 pany shall be responsible for all damages to all corpora-
15 tions, persons and property occasioned by the use of such
16 highways, ways and streets, and shall further be liable to
17 pay to said city all sums recovered against said city for
18 damages from obstruction caused by said company, and
19 for all expenses, including reasonable counsel fees, in-
20 curred in defending such suits, with interest on the same.

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

SECT. 6. Said company may take and hold any lands
2 necessary for flowage, and also for its dams, reservoirs,
3 locks, gates, hydrants, and other necessary structures or
4 fixtures in, over and through any lands for its said
5 purposes, and excavate in and through such lands for
6 such location, construction and maintenance. It may
7 enter upon such lands to make surveys and locations, and
8 shall file in the registry of deeds, in said county of
9 Hancock, plans of such location and lands, showing the
10 property taken, and within thirty days thereafter, publish
11 notice of such filing in some newspaper in said county,
12 such publication to be continued three weeks successively.
13 Such water, land, or other property shall be deemed to
14 have been taken at the date of such filing. Said corpo-
15 ration, however, may make all needful explorations,
16 surveys and levels on any lands prior to such filing.

SECT. 7. Said corporation shall be held liable to pay
2 all damages that shall be sustained by any person or
3 corporation by the taking of any land, water or other

4 property, or by flowage, or by excavating through any
5 land for the purpose of laying down pipes and aqueducts,
6 building dams, reservoirs, and also damages for any other
7 injuries resulting from said acts. And if any person
8 sustaining damage as aforesaid and said corporation
9 cannot mutually agree upon the sum to be paid therefor,
10 such person or said corporation may cause damages to be
11 ascertained in the same manner and under the same
12 conditions, restrictions and limitations as are by law
13 prescribed in the case of damages by the laying out of
14 highways.

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

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

SECT. 10. The capital stock of said company shall be
2 one hundred thousand dollars, which may be increased to
3 two hundred thousand dollars by a vote of said company,
4 and said stock shall be divided into shares of fifty dollars
5 each.

SECT. 11. Said company may issue its bonds for the
2 construction of its works, of any and all kinds, upon such
3 rates and time as it may deem expedient, not exceeding
4 the sum of two hundred thousand dollars, and secure the
5 same by mortgage of the franchise and property of said
6 company.

SECT. 12. On or before July 1, 1889, the Citizens'
2 Water Company shall give to the Ellsworth Water
3 Company written notice by service upon any officer of
4 the Ellsworth Water Company, offering either to lease or
5 purchase, as the Citizens Water Company may determine,
6 of the Ellsworth Water Company such power, water
7 rights, and property of said Ellsworth Water Company
8 as are necessary to establish and maintain a system of
9 water works for the introduction of pure water into the
10 city of Ellsworth from Branch Pond Stream; or said
11 company may elect to purchase all the property and
12 franchises of said Ellsworth Water Company; and in
13 either case, unless the price is mutually determined upon,
14 to pay therefor a sum to be fixed by the Hon. John A.
15 Peters, Hon. William Wirt Virgin, and Hon. Artemas
16 Libbey; and in case of death, or refusal to act on the
17 part of either of said referees, the remaining two shall
18 select a third referee in his place. Either party may
19 request said referees to act, and within thirty days after
20 such request said referees shall meet and determine what

21 property shall be leased or purchased by said Citizens
22 Water Company of said Ellsworth Water Company, and
23 upon what terms and conditions, and what amount shall
24 be paid therefor to said Ellsworth Water Company by
25 said Citizens Water Company, and shall settle and
26 determine all matters and controversies, if any exist,
27 between said water companies; and within thirty days
28 after said determination said Citizens Water Company
29 shall pay to said Ellsworth Water Company the amount
30 awarded and determined upon by said referees. Upon
31 the receipt or such payment said Ellsworth Water
32 Company shall execute all proper deeds, agreements and
33 instruments necessary to carry into effect the decision and
34 report of said referees. Upon failure of either of said
35 companies to perform the agreements and stipulations of
36 this section, its act of incorporation shall become null and
37 void. The costs and expenses of said referees shall be
38 borne equally by said water companies.

SECT. 13. The first meeting of said company may be
2 called by a written notice thereof, signed by any three
3 corporators herein named, served upon each corporator by
4 giving him the same in hand, or by leaving the same at his
5 last and usual place of abode, seven days before the time
6 of meeting.

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

STATE OF MAINE,

HOUSE OF REPRESENTATIVES, }
January 31, 1889.

Tabled for printing, pending first reading on motion of Mr. WISWELL
of Ellsworth.

NICHOLAS FESSENDEN, *Clerk.*