

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

SENATE

NO. 216

In Senate, Feb. 5, 1913.

Presented by Senator Richardson of Penobscot, and on motion by Senator Bailey of Penobscot laid on the table for printing pending reference to a committee.

W. E. LAWRY, Secretary.

STATE OF MAINE

RESOLVE authorizing William H. Powell and Frederick W. Knowlton to bring an action at common law against the State of Maine.

Resolved, That William H. Powell and Frederick W. Knowlton, both of Old Town, county of Penobscot, state of Maine, be authorized and empowered to bring an action at common law in the supreme judicial court in the county of Penobscot, said state, against the state of Maine to recover such sums as may be found by said court to be due to the said William H. Powell and Frederick W. Knowlton for damages caused by the raising of the grade of Centre street at the easterly approach of the steel bridge to be erected by said state of Maine and the erection of a per-

11 pendicular wall in front of their premises on said Centre
12 street, the judgment, if any, in said action to be paid from
13 the state treasury.

STATEMENT OF FACTS ACCOMPANYING RESOLVE
AUTHORIZING WILLIAM H. POWELL AND FRED-
ERICK W. KNOWLTON TO BRING AN ACTION AT
COMMON LAW AGAINST THE STATE OF MAINE.

The State of Maine is the owner of and controls the bridge across the Penobscot River at Old Town, in said state, consisting of two spans, one of which reaches easterly from Marsh Island to Treat and Webster Island, the other from Treat and Webster Island to Milford.

Said State of Maine is about to construct a new steel bridge to replace the one reaching from Marsh Island to Treat and Webster Island and has already constructed the abutments therefor and in doing so have raised the grade of said bridge and the approaches thereto more than three feet.

William H. Powell and Frederick W. Knowlton, both of Old Town, are the owners of a lot of land located at the easterly end of said proposed bridge adjoining the easterly approach to the same, on which lot stands two buildings which have stood there for many years, the entrance to which has always been easy of access.

Said State has constructed along and in front of said lot and buildings a perpendicular wall of concrete from four to ten feet in high, thereby rendering said lot inaccessible from Centre street and useless for the purpose of building by reason of its inaccessibility, thereby causing great damage to said William H. Powell and Frederick W. Knowlton, to wit, two thousand (2000) dollars.