

MAINE STATE LEGISLATURE

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EIGHTY-FOURTH LEGISLATURE

House Document

No. 760

House of Representatives, March 27, 1929.

Read and placed on file and 500 copies of Communication and accompanying papers ordered printed.

CLYDE R. CHAPMAN, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-NINE

To House of Representatives,
Maine Legislature.

In compliance with the order of March 20, 1929, as then passed in your House, we respectfully transmit to you all information in possession of our department connected with and concerning demand of J. M. Norris, as mentioned in said order.

Respectfully submitted,

CLYDE H. SMITH,

CHAS. MURRAY,

EDWIN T. CLIFFORD,

Members of Maine State Highway Commission.

March 21, 1929.

COPY

Augusta, Maine, February 13, 1929.

State Highway Commission

Augusta, Maine

To J. M. Norris Dr.

Send check to highway department

Settlement in full for land damages on account

of construction of State highway in Hampden \$10,000.00

Charge Proj. 84-F Hampden

COPY

Bangor, Maine,

December 28, 1928.

We the undersigned, to whom was referred the assessment of damages to land of John M. Norris, in Hampden, Maine, occupied by him for a dwelling house, occasioned by the change of the grade of the State Highway passing the same in Hampden, Maine, met at the premises and viewed the same. Both Mr. Norris and the State Highway Commission having been notified of the time and place of hearing, Mr. Norris appeared in person with counsel and Mr. Charles Murray appeared representing the Commission. After hearing the parties and viewing the premises and considering the matter we determine that Mr. Norris has been damaged by the change of the grade of said highway in the sum of Ten Thousand Dollars (\$10,000.00), the same to be paid to him by the State of Maine in full for all damages to said property by the change of grade in said highway.

(Signed) FRED A. GILBERT,
“ H. E. WADSWORTH,
“ EDWARD F. MERRILL.

Extract from Commission Record of November 20-21, 1928

The Commission had a conference with Louis Stearns of Bangor and J. M. Norris. This conference was in regard to damage claimed by Mr. Norris on account of raising the grade adjacent to his property in Hampden on Federal Aid Project 84-F. Mr. Stearns stated that before the road was built Mr. Norris' property was about level with the grade of the highway and that the new grade of the road is much higher, making access to Mr. Norris' property difficult and causing water to drain under his land. Mr. Stearns stated that he considered

that Mr. Norris' property had been damaged in the amount of \$15,000. The Commission stated that they could not agree to this amount and Chairman Smith suggested that a board of three disinterested men be named to appraise the damage and suggested that this board consist of Ned Merrill of Skowhegan, Herbert Wadsworth of Winthrop and Fred Gilbert of Hampden. The Commission stated that they would be willing to agree to the award of damage made by this board. Mr. Stearns, in behalf of Mr. Norris, stated that the personnel of this board as named by Mr. Smith was satisfactory and stated that he would draw up a form of agreement.

Extract from Commission Record of December 12, 13, 14, 1928

The Commission noted letter, under date of December 4, from Fred A. Gilbert of Bangor and a letter, under date of December 6, from Edward F. Merrill of Skowhegan, advising that they would act as members of a board for appraising damage to the Norris property in Hampden. Mr. Clifford stated that he talked with Herbert E. Wadsworth of Winthrop, who was suggested as the third member of this board, and that Mr. Wadsworth had advised him that he would act in the matter. The Commission requested Mr. Barrows to arrange with Mr. Gilbert for a date on which this board will investigate.

COPY

Letterhead:

Louis C. Stearns,
Eastern Trust Building,
Bangor, Maine.

November 22, 1928.

Clyde H. Smith,
Charles Murray,
Edwin T. Clifford,
State Highway Commissioners,
Augusta, Maine.

Dear Sirs:

This is in reference to the claims of John M. Norris for damages caused by raising the grade of the Atlantic Highway fronting on his premises in Hampden. It is my understanding that we are to leave this to arbitration. In this connection we have agreed upon Fred A. Gilbert of Hampden, Edward F.

Merrill of Skowhegan and Herbert E. Wadsworth of Winthrop. Their finding or assessment of damages is to be binding, final and conclusive. I understand that the State Highway Commission or Mr. Norris is to furnish them any information or data which they may request.

If this is satisfactory, will you please advise the above-named and request that they proceed at once?

Of course, this agreement is without prejudice to our rights to proceed under the statute, if for any reason our appraisers fail to act or in case their award shall not be paid.

Very truly yours,

(Signed) LOUIS C. STEARNS.

LCS:L

COPY

December 3, 1928.

Herbert E. Wadsworth,
Winthrop, Maine.
Edward F. Merrill,
Skowhegan, Maine.
Fred A. Gilbert,
Great Northern Paper Co.,
Bangor, Maine.

Gentlemen:

At a meeting on November 20 the Commission had a conference with John M. Norris of Hampden and his attorney, Louis C. Stearns of Bangor, in connection with damages claimed by Mr. Norris on account of raising the grade of the highway adjacent to his property in Hampden.

At this conference the Commission and Mr. Norris failed to arrive at a satisfactory basis of settlement and the Commission suggested that the assessment of damages be left with a board of three disinterested parties and that the amount of damages as determined by this board would be binding, final and conclusive. Chairman Smith suggested that the board consist of Fred A. Gilbert of Hampden, Edward F. Merrill of Skowhegan and Herbert E. Wadsworth of Winthrop. This suggestion met with the approval of Mr. Norris and his attorney.

The Commission have requested me to notify each of you

gentlemen of this action and to request that you advise us if you will be willing to act in this matter.

Yours very truly,

Chief Engineer.

LDB:L

COPY

Letterhead:

Fred A. Gilbert
6 State Street
Bangor, Maine.

December 4th, 1928.

Mr. Lucius D. Barrows, Chief Engineer,
State Highway Commission,
Augusta, Maine.

Dear Sir:

This letter will acknowledge yours of December 3rd, in which I am advised that I am to serve as one of a commission to determine the damages to Mr. John M. Norris' property. I will accept the appointment.

Yours truly,
(Signed) FRED A. GILBERT.

COPY

Letterhead:

Law Offices
Merrill & Merrill
Skowhegan, Maine.

Dec. 6, 1928.

State Highway Commission,
Augusta, Maine.

Lucius D. Barrows,
Chief Engineer.

Gentlemen:

In reply to your letter of December third in regard to a reference of the Norris claim for damages will say that I will be pleased to serve on this commission.

Yours very truly,
(Signed,) EDWARD F. MERRILL.

EFM:W

COPY

December 13, 1928.

F. A. Gilbert,
6 State Street
Bangor, Maine.

Dear Mr. Gilbert:

I have been advised that Edward Merrill of Skowhegan and H. E. Wadsworth of Winthrop are willing to act with you in the matter of appraisal of damage on account of the Norris claim in Hampden. If you will advise me about what date will be convenient for you to consider this matter, I will take the matter up with Mr. Merrill and Mr. Wadsworth.

Yours very truly,

Chief Engineer.

LDB:L

COPY

December 13, 1928.

Louis C. Stearns, Attorney at Law,
6 State St.,
Bangor, Maine.

Dear Mr. Stearns:

I have been advised by Mr. Gilbert and Mr. Merrill that they are willing to act with reference to the appraisal of damage in connection with the Norris claim in Hampden. Mr. Wadsworth of Winthrop has sent word through Commissioner Clifford that he is also willing to act. I have written to Mr. Gilbert asking him to let us know what date would be most convenient for a conference in Hampden.

Yours very truly,

Chief Engineer.

LDB:L

COPY

Letterhead:

Fred A. Gilbert,
6 State Street,
Bangor, Maine.

December 22, 1928.

Mr. Lucius D. Barrows, Chief Engineer,
State Highway Commission,
Augusta, Maine.

Dear Mr. Barrows:

I have at hand yours of December 13th.

If I remember correctly Mr. Merrill has set the date of the hearing as December 28th and it will be held here in this city. At least that is what he wrote me he was going to suggest to Mr. Wadsworth.

Yours very truly,

(Signed) FRED A. GILBERT.

COPY

Letterhead:

Fred A. Gilbert,
6 State St.,
Bangor, Maine.

December 28, 1928.

State Highway Commission,
Augusta, Maine.

Attention—Mr. Lucius D. Barrows, Chief Engineer:

Dear Sir:

I enclose herewith, the findings of Mr. Wadsworth, Mr. Merrill and myself in the assessment of damages to property of Mr. John M. Norris, Hampden, Maine, caused by the change in the State Highway grade passing said property.

Yours truly,

(Signed) FRED A. GILBERT.

COPY

December 29, 1928.

Fred A. Gilbert,
6 State St.,
Bangor, Maine.

Dear Mr. Gilbert:

This will acknowledge your letter of December 28 enclosing copy of appraisal of damage to the Norris property. I will see that this is referred to the Commission at the next meeting.

Yours very truly,

Chief Engineer.

LDB:L