

# MAINE STATE LEGISLATURE

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# EIGHTY-FOURTH LEGISLATURE

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**Senate Document**

**No. 62**

S. P. 134

In Senate, Jan. 31, 1929.

Referred to Committee on Claims and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Wheeler of Oxford.

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## STATE OF MAINE

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

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RESOLVE, in Favor of Charles F. Boober of Norway, to  
Compensate Him for Damages Sustained in the Construction  
of a Certain State Aid Highway.

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Resolved: That there be and hereby is appropriated the  
2 sum of fifteen thousand dollars (\$15,000.00) to compensate  
3 Charles F. Boober of Norway for damages sustained in the  
4 construction of a certain state aid highway in the town of  
5 Norway, the same to be charged as may be directed by  
6 legislation.

## STATEMENT OF FACTS

The following statement of facts is made to accompany the aforesaid resolve and to give the history of the alleged claim which the aforesaid resolve is called upon to furnish compensation for.

In early June, 1926, the State Highway Commission action through its Highway Supervisor, Mr. W. P. Lynn, reconstructed a piece of State Aid Road in the Town of Norway commencing at the foot of Doughty Hill and continuing up over the hill by the "Pine House" so-called and during said reconstruction, and within the area diverted by a system of conduits or pipes surface water onto the land of Mr. Charles F. Boober.

The land of Mr. Boober runs up the hill near the top of the steepest part at the "Doughty Four Corners." From the "Doughty Four Corners" the main road is practically straight over a grade up hill for a distance of about eleven hundred feet to the height of land. From the four corners down the hill to the height of land. From the four corners down the hill to the Boober turn is a distance of sixteen hundred and five feet.

During the construction of this State Aid Road certain culverts were installed at the "Doughty Four Corners" and carries the surface water across the Waterford Road so-called from the southeasterly side to an open ditch on the opposite side, whence it flows a short distance into another culvert laid across the cross road leading to Norway Center, and this last culvert empties on the land of Mr. Boober in the corner of his pasture near the apple trees. This entrance upon the Boober land is directly through a set of bars which afforded egress and ingress for Mr. Boober to and from his land.

Before the installation of this series of culverts Mr. Boober had never suffered from surface water as the water had gone down the other side of the Waterford Road and found its way into a swamp. The pipe which empties directly into Mr. Boober's land is a sixteen inch pipe and the pipe which crosses the Waterford Road is a fourteen inch pipe. Prior to this construction there never had been any culvert across the Waterford road. There has been seen six and three-quarter inches of water running through this pipe over and upon the Boober

land with a result that chickens have been drowned as well as hens, pasture flooded out, the cellar under the house flooded and great injury done to the grass land of Mr. Boober as well as to his habitation and his well of water spoiled, all of which never happened until the installation of this series of culvert. The Dairy Farm of Mr. Boober and his cows have been damaged.

The entrance of this water upon the land of Mr. Boober was made over his objection. Mr. Albert A. Towne, Road Commissioner for the Town of Norway, was told by the State Highway Supervisor to obtain permission to enter this water upon the Boober property but never secured it, and notwithstanding this fact constructed the culverts as herein set forth.