

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1885.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA :
SPRAGUE & SON, PRINTERS TO THE STATE.
1885.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1885.

Chapter 417.

An Act to authorize the Denison Paper Manufacturing Company to issue bonds.

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

Company
authorized to
issue bonds.

SECT. 1. The Denison Paper Manufacturing Company is hereby authorized to issue bonds upon such time and rate as it may deem expedient, to an amount not exceeding one hundred thousand dollars in addition to the amount authorized by chapter two hundred eighty-seven of the private and special laws of eighteen hundred and eighty, approved March fifteen, eighteen hundred and eighty.

SECT. 2. This act shall take effect when approved.

Approved February 19, 1885.

Chapter 418.

An Act to incorporate the Ellsworth Water Company.

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

Corporators.

SECT. 1. Albert W. Cushman, Albert H. Norris, Charles C. Burrill, George A. Parcher, Arthur I. Saunders, Fred B. Aiken, John F. Whitcomb, Frederick E. Hartshorn, John B. Redman, Edward F. Robinson, and such persons as they may associate with themselves in the enterprise and their successors, are hereby incorporated into a corporation by the name of the Ellsworth Water Company for the purpose of supplying the city of Ellsworth in the county of Hancock and the inhabitants of said city with pure water for industrial, manufacturing, domestic, sanitary and municipal purposes, including extinguishment of fires.

Corporate name.

Authorized to
take water.

SECT. 2. Said company for said purposes may flow, detain, collect, take, store, use and distribute water from Branch Pond, Branch Pond stream, and any other stream flowing from said pond, all in said Ellsworth and may locate, construct and maintain dams, cribs, reservoirs, locks, gates, sluices, aqueducts, pipes, hydrants and all other necessary structures therefor.

—to construct
dams, etc.

SECT. 3. Said company is hereby authorized to lay, construct and maintain in, under, through, along and across the highways, ways, streets, railroads and bridges in said city, and to take up, replace and repair all such sluices, aqueducts, pipes, hydrants and structures as may be necessary for the purposes of their incorporation, under such reasonable restrictions and conditions as the mayor and aldermen of said city may impose. And said company shall be responsible for all damages to all corporations, persons and property occasioned by the use of such highways, ways and streets, and shall further be liable to pay to said city all sums recovered against said city for damages from obstruction caused by said company, and for all expenses, including reasonable counsel fees, incurred in defending such suits, with interest on the same.

—to lay pipes, etc., under restrictions imposed by aldermen.

—responsible for all damages.

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

Authorized to cross, etc., private and public sewers.

—not to obstruct public travel.

SECT. 5. Said company is hereby authorized to lay, construct and maintain its pipes under, in and over Union river, and to build and maintain all necessary structures therefor; all to be done at such places as may be necessary for the said purposes of said company and not to obstruct navigation.

Authorized to lay pipes under, etc., Union river.

SECT. 6. Said company may take and hold any lands necessary for flowage, and also for its dams, reservoirs, locks, gates, hydrants, and other necessary structures, and may locate, lay and maintain sluices, aqueducts, pipes, hydrants, and other necessary structures or fixtures in, over and through any lands for its said purposes, and excavate in and through such lands for such location, construction and maintenance. It may enter upon such lands to make surveys and locations, and shall file in the registry of deeds, in said county of Han-

May take lands.

Shall file plans of location in registry of deeds.

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cock, plans of such location and lands, showing the property taken, and within thirty days thereafter, publish notice of such filing in some newspaper in said county, such publication to be continued three weeks successively. Not more than two rods in width of land shall be occupied by any one line of pipe or aqueduct, and not more than three acres by any one reservoir.

Land damages,
how assessed.

SECT. 7. Should the said company and the owner of such land be unable to agree upon the damages to be paid for such location, taking, holding and construction, the land owner may within twelve months after said filing of plans of location, apply to the commissioners of said county of Hancock, and cause such damages to be assessed in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in the case of damages by the laying out of highways, so far as such law is consistent with the provisions of this act. If said company shall fail to pay such land owner, or deposit for his use, with the clerk of the county commissioners aforesaid, such sum as may be finally awarded as damages, with costs when recovered by him, within ninety days after notice of final judgment shall have been received by the clerk of courts of said county, the said location shall be thereby invalid, and said company forfeit all rights under the same, as against such land owner. Said company may make a tender to any land owner damaged under the provisions of this act, and if such land owner recovers more damages than were tendered him by said company, he shall recover costs, otherwise said company shall recover costs. In case said company shall begin to occupy such lands before the rendition of final judgment, the land owner may require said company to file its bond to him with said county commissioners, in sum and with such sureties as they approve, conditioned for said payment or deposit. No action shall be brought against said company for such taking, holding and occupation, until after such failure to pay or deposit as aforesaid. Damages caused by flowage are to be ascertained and paid in the same manner.

Location not
valid if damages
are not paid.

Costs, how and
by whom recovered.

Action cannot be
brought till Co.
fails to pay
damages.

Damages for
taking water,
how assessed.

SECT. 8. Any person suffering damage by the taking of water by said company as provided by this act, may have his damages assessed in the manner provided in the preceding section, and payment therefor shall be made in the same manner and with the same effect. No action shall be brought

for the same until after the expiration of the time of payment. And a tender by said company may be made with the same effect as in the preceding section.

SECT. 9. Said company is hereby authorized to make contracts with the United States and with corporations and inhabitants of said city of Ellsworth for the purposes of supplying water as contemplated by this act. And said city of Ellsworth is hereby authorized by its mayor and aldermen to enter into contract with said company for a supply of water for any and all purposes mentioned in this act, and for such exemption from public burden as said city and said company may agree, which, when made, shall be legal and binding upon all parties thereto.

May make contracts for supplying water.

City of Ellsworth authorized to contract for water.

—may exempt Co. from taxation.

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

Penalty for corrupting waters.

SECT. 11. The capital stock of said company shall be one hundred thousand dollars which may be increased to two hundred thousand dollars by a vote of said company, and said stock shall be divided into shares of one hundred dollars each.

Capital stock.

SECT. 12. Said company for all of its said purposes may hold real and personal estate necessary and convenient therefor, not exceeding in amount two hundred thousand dollars.

May hold real and personal property.

SECT. 13. Said company may issue its bonds for the construction of its works of any and all kinds, upon such rates and time as it may deem expedient, not exceeding the sum of two hundred thousand dollars and secure the same by mortgage of the franchise and property of said company.

—issue bonds.

—mortgage franchise, etc.

SECT. 14. The first meeting of said company may be called by a written notice thereof signed by any three corporators herein named, served upon each corporator by giving him the same in hand or by leaving the same at his last usual place of abode, seven days before the time of meeting.

First meeting, how called.

SECT. 15. This act shall take effect when approved.