

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1885.

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PRIVATE AND SPECIAL LAWS  
OF THE  
STATE OF MAINE.

1885.

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## CHAP. 524

—damages, how assessed.

Penalty for injuring dams.

First meeting, how called.

Rights of others protected.

the company and the land owners, they are to be assessed by the county commissioners of Franklin county.

SECT. 6. If any person or persons shall wilfully or maliciously injure or destroy said dams, or either of them, he or they shall pay to said corporation, double the cost of repairing the same, to be recovered in an action on the case.

SECT. 7. Any one of the corporators named in this act may call the meeting for organization, by giving seven days' personal notice to each of the others.

SECT. 8. Nothing in this charter shall be construed as altering, changing or limiting the rights of others to the use of the waters for driving purposes. The rights of settlers below said dam shall not be affected by this charter.

SECT. 9. This act shall take effect when approved.

Approved March 6, 1885.

### Chapter 524.

An Act to incorporate the Long Pond Water Company.

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

Corporators.

SECT. 1. John Shoenbar, Charles P. Simpson and Stanislaus Wilson, 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 Long Pond Water Company, for the purpose of supplying the town of Sullivan in the county of Hancock, and the inhabitants of said town with pure water for industrial, manufacturing, domestic, sanitary and municipal purposes, including extinguishment of fires.

Corporate name.

Purposes.

May take, etc., water from Long pond.

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

—lay pipes along highways, railroads and bridges.

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 town 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 selectmen of said town may impose. And said company shall be responsible for all damages to persons and property occasioned by the use of such highways, ways and streets, and shall further be liable to pay to said town all sums recovered against said town 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.

—liability for damages.

SECT. 4. Said company shall have power to cross any watercourse, private or public sewer, or to change the direction thereof when 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 there removed by it to be replaced in proper condition.

Authorized to cross private and public sewers.

—not to obstruct public travel.

SECT. 5. 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, for said county of Hancock, 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 two acres by any one reservoir.

May take and hold lands.

—file plans of location in Hancock registry of deeds.

## CHAP. 524

Land damages,  
how assessed.

SECT. 6. 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. 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 such 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.

Damage for  
taking water, how  
assessed.

SECT. 7. 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. All damages suffered by George C. Lyman, or by his legal representatives, in property rights held by him in the waters of said Long pond, under chapter six hundred and ten of the private and special laws of eighteen hundred and fifty-six, or in any other way, are understood to be included in this section and to be assessed under the same.

Damages of G.  
C. Lyman, how  
assessed.

Authorized to  
make contracts  
with United  
States, corpora-  
tions and town of  
Sullivan, to sup-  
ply water.

SECT. 8. Said corporation is hereby authorized to make contracts with the United States, and with corporations, and inhabitants of said town of Sullivan for the purpose of supplying water as contemplated by this act; and said town

of Sullivan is hereby authorized by its selectmen to enter into contract with said company for a supply of water, and for such exemption from public burdens as the said town of Sullivan and said company may agree, which, when made shall be legal and binding on all parties thereto.

May contract with town of Sullivan to supply water and for exemption from taxation.

SECT. 9. Whoever shall wilfully or maliciously in any way corrupt the water of said pond or streams or any of the tributaries thereto, whether frozen or not, or shall wilfully or maliciously, 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 one year, and shall be liable to said company for three times the actual damage, to be recovered in any proper action.

Penalty for corrupting water.

SECT. 10. The capital stock of said company shall be twenty-five thousand dollars, which may be increased to one 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. 11. Said company for all of its said purposes, may hold real and personal estate necessary and convenient therefor, not exceeding in amount one hundred thousand dollars.

May hold real estate.

SECT. 12. 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 one hundred thousand dollars and secure the same by mortgage of the franchise and property of said company.

—issue bonds.

SECT. 13. The first meeting of said company may be called by a written notice thereof, signed by any two corporators herein named, 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. 14. This act shall take effect when approved.

Approved March 6, 1885.