

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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PRIVATE AND SPECIAL LAWS  
OF THE  
STATE OF MAINE.

1887.

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**Chapter 164.**

An Act to make legal the doings of West Waterville Soldiers' Monument Association.

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

SECT. 1. The doings of West Waterville Soldiers' Monument Association, at its meeting on the first day of December, eighteen hundred and seventy-three, and all its meetings subsequent thereto, and the election and qualification of all its officers since that date, are hereby ratified and made valid.

Doings of Monument Association, made valid.

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

Approved February 25, 1887.

**Chapter 165.**

An Act to incorporate the Sarsfield Water Company.

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

SECT. 1. Nicholas Fessenden, Henry O. Perry, Jerre F. Hacker, Luther K. Cary, Richard L. Baker, Robert H. Perkins, John B. Trafton, Henry A. Haines, Frank W. Burns, Miles F. Dorsey, John S. Smith and E. L. Houghton, 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 Sarsfield Water Company of Fort Fairfield, Maine, for the purpose of supplying the village of Fort Fairfield with pure water, for industrial, manufacturing, domestic, sanitary and municipal purposes, including extinguishment of fire.

Corporators

Corporate name.

SECT. 2. Said company, for said purposes, may flow, detain, collect, take, store, use and distribute water from Aroostook river and its tributaries in said town of Fort Fairfield, and may locate, construct and maintain a dam, cribs, reservoirs, locks, gates and sluices, aqueducts, pipes, hydrants and all other necessary structures therefor ; provided, that suitable sluices shall be constructed and maintained by said company in said dam, for the passage of rafts, logs and lumber.

May take water from Aroostook river.

—construct dam, 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 town,

Authorized to lay pipes, etc., along highways, etc.

CHAP. 165

and to take up, replace and repair, all such sluices, aqueducts, pipes, hydrants and structures as may be necessary for the purpose of their corporation, under such reasonable restrictions and conditions as the selectmen of said town may impose; and said company shall be responsible for all damages, to all corporations, persons and property, occasioned by the use of said highways, ways and streets, and shall further be liable to pay said town, all sums recovered against said town for the damages from obstructions 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.

May cross private or public sewers.

—shall not obstruct public travel.

May lay pipes under Aroostook river.

May take lands.

—shall file plan of location in registry of deeds.

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 purpose of their corporation, 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.

SECT. 5. Said company is hereby authorized to lay, construct and maintain its pipes under, in and over Aroostook river, or any of its tributaries in said town of Fort Fairfield, 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.

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 land for said purposes, and excavate in and through such land 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 the southern district in said county of Aroostook, plans of such locations 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 one acre for any one reservoir. CHAP. 165

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 Aroostook, 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 sums as may be finally awarded as damages, with cost 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 damage than was tendered him by said company, he shall recover cost, otherwise said company shall recover cost. In case said company shall begin to occupy such land 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. Damages caused by flowage are to be ascertained and paid in the same manner.

Damages for  
land taken, how  
ascertained.

—damages for  
flowage.

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 may 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.

—damages for  
taking water,  
how assessed.

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May make contracts to supply water.

—town of Fort Fairfield authorized to contract for water, and exempt company from taxation.

Penalty for corrupting water or injuring property.

Capital stock.

May hold real estate.

May issue bonds, and mortgage property.

First meeting, how called.

SECT. 9. Said company is hereby authorized to make contracts with the United States, and with corporations, and inhabitants of said town of Fort Fairfield, or with any village corporation, for the purpose of supplying water as contemplated by this act; and said town of Fort Fairfield, by its municipal officers, or any village corporation by its proper officers, are hereby authorized to enter into contract with said company for a supply of water for any and all purposes mentioned in this act, and for such exemptions from public burdens as said town or village corporation and said company may agree, which when made, shall be legal and binding upon all parties thereto.

SECT. 10. Whoever shall wilfully or maliciously corrupt the water of said river or its tributary streams, whether frozen or not, 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 a 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.

SECT. 11. The capital stock of said company shall be twenty-five thousand dollars, which may be increased to fifty thousand dollars by a vote of said company; and said stock shall be divided into shares of twenty-five dollars each.

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

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 twenty-five thousand dollars, and secure the same by mortgage of the franchise and property of said company.

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 and usual place of abode, at least seven days before the time of meeting.

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