

# 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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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1887.

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CHAP. 234**Chapter 234.**

An Act to amend chapter two hundred and fifty-five of the Special Laws of eighteen hundred and eighty-three, relating to the Buxton and Hollis Agricultural Society.

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

Charter amended.

Section four of chapter two hundred and fifty-five of the special laws of eighteen hundred and eighty-three is hereby amended, by striking out the word "one," in the second line, and inserting the word 'two,' so that said section shall read as follows :

Capital stock.

'SECT. 4. The capital stock of said corporation shall be divided into two hundred shares.'

Approved March 11, 1887.

**Chapter 235.**

An Act to incorporate the Somesville Water Company.

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

Corporators.

SECT. 1. John W. Somes, Andrew J. Whiting, Roscoe G. Salisbury, Jonathan Hamor and Robert L. Grindle, all of Mount Desert, in the county of Hancock and state of Maine, Lucilius A. Emery and Everard H. Greeley, of Ellsworth, in Hancock county, state of Maine, Albert W. Bee, of Boston, in the state of Massachusetts, 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 Somesville Water Company, for the purpose of supplying the village of Somesville, in the town of Mount Desert and 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.

—purpose.

May take water.

SECT. 2. Said company, for said purposes, may flow, detain, collect, take, store, use and distribute water from Echo lake or Somes' pond, so called, or Long pond, so called, or from any stream or streams flowing from either of the above named ponds, all being in part in the said town of Mount Desert and part in the town of Tremont, in Hancock county, and may locate, construct and maintain dams, cribs, reservoirs,

—construct dams.

locks, gates, sluices, aqueducts, pipes, hydrants, and all other necessary structures therefor.

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 all corporations, 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 obstructions caused by said company, and for all expenses, including reasonable counsel fees incurred in defending such suits, with interest on the same.

Authorized to lay pipes, etc., in streets, etc.

Liability for damages to corporations, streets, etc.

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 alteration 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.

May cross private or public sewer.

Shall repair streets, etc.

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, in 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

May take lands for flowage and other purposes.

Shall file plan of location, in registry of deeds.

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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.

Damages in case of disagreement, how ascertained.

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, occupation and construction, the land owner may, within two years after such filing of plans of location, apply to the commissioners of said county, and have such damages assessed as is provided by law, in cases where land is taken for railroads, so far as the same is consistent with the provisions of this charter, and where inconsistent or at variance with this charter, the charter shall control. If the company shall fail to pay such land owner, or deposit for his use with the clerk of the county commissioners, such sum as may be finally awarded as damages, with costs, 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 the company forfeit all rights under the same. If such land owner secures more damages than were tendered by said company, he shall recover costs, otherwise the 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 the county commissioners, in such sum and with such sureties as they approve, conditioned for said payment or deposit. Failure to apply for damages within said two years, shall be held to be a waiver of the same. No action shall be brought against said company for such taking and occupation of lands, until after such failure to pay or deposit, as aforesaid. Damages for land flowed shall be ascertained and paid in the same manner.

Damages 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.

Penalty for corrupting waters or injuring property.

SECT. 8. Whoever shall wilfully and maliciously corrupt the water of said ponds or streams, whether frozen or not, or

in any way render such waters impure, whether frozen or not, or whoever shall wilfully 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 the actual damage, to be recovered in any proper action.

SECT. 9. The capital stock of said company shall be fifty 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 fifty dollars each.

Capital stock.

SECT. 10. 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. 11. 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.

May issue bonds and mortgage property.

SECT. 12. The first meeting of said company may be called by a written notice thereof, signed by any four 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. 13. This act shall take effect when approved.

Approved March 11, 1887.

### Chapter 236.

An Act to extend the powers of School District Number One of the Town of Anson.

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

SECT. 1. The legal voters of school district number one in the town of Anson, are hereby authorized to make an arrangement with the principal or trustees of North Anson Academy, situated in said district, in relation to the expenditure of their school money, as a majority of the legal voters of said district may annually determine; provided, that by such an arrangement, the rights and powers of the superintending school committee be not impaired or restricted.

School District No. 1, in Anson, may arrange with trustees of academy, for expenditure of school money.

—proviso.

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

Approved March 11, 1887.