

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

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.
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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1889.

debts due this corporation, and may borrow or raise money from time to time, upon mortgage of any of its property, or may issue its notes, bonds or other securities for such amount and upon such terms as to time and rate of interest, as may be deemed necessary for the purposes of the corporation, and they may invest any property of this corporation in trustees for any purpose and in any manner whatever that will further the objects of its incorporation.

SECT. 2. The capital stock of said corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each. The capital stock of the corporation may from time to time, by vote of the directors, be increased to one million dollars.

Capital stock.

SECT. 3. The first meeting for the purpose of organization, may be called by either of the persons herein named, by giving written notice to the others seven days, at least, before the day appointed for such meeting.

First meeting,
how called.

SECT. 4. This act shall take effect when approved.

Approved February 12, 1889.

Chapter 348.

An Act to incorporate the Citizens' Water Company of Ellsworth.

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

SECT. 1. Fred B. Aiken, Lewis Friend, Charles H. Haynes, Augustus E. Moore, George R. Campbell, Joseph M. Higgins, Albert M. Hopkins, Fred L. Frazier, Frank R. McGown, Hoyt H. Harden, their associates, successors and assigns, are hereby made a corporation under the name of the Citizens' Water Company of Ellsworth, for the purpose of supplying the city of Ellsworth in the county of Hancock, Maine, or any part thereof, with pure water for domestic, manufacturing, private and public uses, including the extinguishment of fires.

Corporators.

Corporate
name.

—purposes.

SECT. 2. Said corporation may take and hold, by purchase or otherwise, real and personal estate necessary and convenient for the purposes aforesaid, not exceeding two hundred thousand dollars.

May take real
estate.

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Authorized to take water from Branch and Reed's pond.

SECT. 3. Said company is hereby authorized, for the purposes aforesaid, to take, collect, store, flow, use, detain, distribute, and convey to the city of Ellsworth, water from Branch Pond or Reed's Pond in said Ellsworth, or any streams flowing from either of them, or from any part of Union river or any tributary thereof in said Ellsworth, and it is also authorized to locate, construct and maintain dams, reservoirs, locks, gates, sluices, aqueducts, pipes, conduits, stand-pipes, hydrants, and all other necessary structures therefor.

May lay pipes, etc., along and across streets, under direction of municipal officers.

SECT. 4. 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. Said company is also 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. 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.

—responsibility for all damages.

May cross any private or public sewer.

SECT. 5. 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.

—shall not obstruct travel.

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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 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. Such water, land, or other property shall be deemed to have been taken at the date of such filing. Said corporation, however, may make all needful explorations, surveys and levels on any lands prior to such filing.

May take lands,
etc.

—shall file plan
of location in
Hancock
registry of
deeds.

SECT. 7. Said corporation shall be held liable to pay all damages that shall be sustained by any person or corporation by the taking of any land, water or other property, or by flowage, or by excavating through any land for the purpose of laying down pipes and aqueducts, building dams, reservoirs, and also damages for any other injuries resulting from said acts. And if any person sustaining damage as aforesaid and said corporation cannot mutually agree upon the sum to be paid therefor, such person or said corporation may cause damages to be ascertained 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.

Liability for
land damages.

—how ascer-
tained.

SECT. 8. Said company is hereby authorized to make contracts with the United States, the county of Hancock, 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.

Authorized to
make contracts.

City of Ells-
worth, author-
ized to contract
for water, and
exempt from
taxation.

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Penalty for corrupting water, or injuring works.

SECT. 9. Whoever shall wilfully or maliciously corrupt the water of said ponds or streams or any of the tributaries thereto whether frozen or not, or in any way render such water 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.

Capital stock.

SECT. 10. 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 fifty dollars each.

May issue bonds and mortgage property.

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 two hundred thousand dollars and secure the same by mortgage of the franchise and property of said company.

May lease or purchase property of Ellsworth Water Co.

SECT. 12. On or before July one, eighteen hundred and eighty-nine, the Citizens' Water Company shall give to the Ellsworth Water Company written notice by service upon any officer of the Ellsworth Water Company, offering either to lease or purchase, as the Citizens' Water Company may determine, of the Ellsworth Water Company, such power, water rights and property of said Ellsworth Water Company as are necessary to establish and maintain a system of water works, for the introduction of pure water into the city of Ellsworth from Branch pond stream; or said company may elect to purchase all the property and franchises of said Ellsworth Water Company; and in either case, unless the price is mutually determined upon, to pay therefor a sum to be fixed by the Honorable John A. Peters, Honorable William Wirt Virgin and Honorable Artemas Libbey; and in case of death or refusal to act, on the part of either of said referees, the remaining two shall select a third referee in his place. Either party may request said referees to act, and within thirty days after such request, said referees shall meet and determine what property shall be leased or purchased by said Citizens' Water Company of said Ellsworth Water Company, and upon what terms and conditions, and what amount shall be paid therefor to said Ellsworth Water Company by said Citizens' Water Company, and shall settle and

—price, how determined.

determine all matters and controversies, if any exist, between said water companies; and within thirty days after said determination, said Citizens' Water Company, shall pay to said Ellsworth Water Company the amount awarded and determined by said referees. Upon the receipt of such payment, said Ellsworth Water Company shall execute all proper deeds, agreements and instruments necessary to carry into effect the decision and report of said referees. Upon failure of either of said companies to perform the agreements and stipulations of this section, its act of incorporation shall become null and void. The costs and expenses of said referees shall be borne equally by said water companies.

When act shall be void.

SECT. 13. 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, seven days before the time of meeting.

First meeting, how called.

SECT. 14. This act shall take effect when approved.

Approved February 12, 1880.

Chapter 349.

An Act additional to and amendatory of Chapter two hundred eighty-one of the Private and Special Laws of eighteen hundred and eighty-seven, entitled, "An Act to incorporate the Maine Mortgage Loan and Investment Company."

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

SECT. 1. The title of said act is hereby amended by striking out the words, "and Investment" in said title, so that the same as amended, shall read as follows:

Name changed.

'An Act to incorporate the Maine Mortgage Loan Company.'

SECT. 2. Said corporation, in addition to the powers contained in section one of the act to which this is additional and amendatory, may purchase, take and hold mortgages, bonds, notes or other securities, and proper evidences of debt, and such real and personal property as shall be necessary for the collection or security of any debts or claims owing to the company, or in which it may have an interest; may sell and dispose of the mortgages and securities so taken; may guarantee the regular payment of the principal and interest of

Powers, increased.