

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1891.

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1891.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1891.

system of water works, which may be purchased from the Auburn Aqueduct Company, by building reservoirs and pumping stations, buying necessary machinery and appliances connected therewith, and laying additional pipes and mains, said trustee or trustees are authorized, with the consent of the city, to hire money and to issue therefor interest bearing debentures, in the manner and at a rate not to exceed that which may be specified in the deed of trust from said company to said trustees, which deed of trust shall be made in accordance with the directions of said city. Said debentures shall be made redeemable by the city or trustees from year to year through a series of years, and said trustees may create or hold security on said property for the payment of said debentures. And when said city shall have paid from its own funds ten per cent of the amount paid to the Auburn Aqueduct Company, said debentures may be purchased and held by savings banks in this state.

—redeemable
by the city.

SECT. 16. Except as herein otherwise provided, this act shall take effect when approved.

When act shall
take effect.

Approved February 19, 1891.

Chapter 83.

An Act to incorporate the Seal Harbor and Shore Front Water Company.

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

SECT. 1. James T. Gardiner, D. Everett Kimball, Alanson E. Clement, Edwin H. Abbot and William C. Doane, and such persons as they may associate with themselves in the enterprise, are hereby incorporated into a corporation by the name of the Seal Harbor and Shore Front Water Company for the purpose of supplying the village of Seal Harbor, the territory lying between said Seal Harbor and North East Harbor in the town of Mount Desert, county of Hancock and state of Maine, with pure water for domestic, sanitary and municipal purposes, the extinguishment of fires, the supply of shipping and the use of manufactories.

—Incorporators.

—corporate
name.

—purposes.

SECT. 2. Said corporation for said purposes shall have power and is hereby authorized to detain, take, store, use

Authorized to
take water from
Jordan's pond,
erect dams,
etc.

CHAP. 83

and distribute water from Jordan's pond in said town of Mount Desert and from all streams flowing therefrom and tributary thereto, and is also authorized to erect and maintain dams and reservoirs, and to lay down and maintain pipes and aqueducts necessary for the proper accumulation, conducting, discharging, distributing and disposing of water and forming proper reservoirs therefor. And said corporation may take and hold by purchase or otherwise, any lands or real estate necessary for the purposes of this corporation.

—may take land.

Authorized to erect dam at outlet of Jordan's pond.

SECT. 3. Said corporation is hereby authorized for the purposes aforesaid, to erect a dam or dams at the outlet of said Jordan's pond or elsewhere, of sufficient height and strength to increase the capacity of said pond for the holding of water, to the extent of four feet higher than its present mean level.

May cross any water course, public or private sewer.

SECT. 4. Said corporation shall have power to cross any water course, 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.

Authorized to lay pipes in town of Mount Desert.

SECT. 5. Said corporation is hereby authorized to lay down, in and through the streets and ways in said town of Mount Desert and to take up and replace and repair all such pipes, aqueducts and fixtures as may be necessary for the purpose of their incorporation. 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. And said corporation shall be responsible for all damages to persons and property occasioned by the use of such streets and ways, and shall further be liable to pay to said town all such sums recovered against said town, for damages from obstruction or defects of said streets and ways, caused by said corporation, and for all expenses, including reasonable counsel fees incurred in defending such suits, with interest on the same.

—shall not obstruct public travel.

—liability for damages.

May take lands for purposes of flowage.

SECT. 6. ⁵³⁷ Said corporation 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 locations and lands, showing the property taken, and within thirty days thereafter, publish notice of such filing and of taking 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 pipes or aqueducts, and not more than five acres by any one reservoir.

—shall file plans
of location.

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 or the corporation, may, within twelve months after said filing of plans and 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, and said location shall be thereby invalid, and said company shall 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 bonds to him with said county commissioners, in such sum and with such sureties as they may approve, conditioned for said payment or deposit. No action shall be brought against said company for such

Damages, how
assessed in
case of
disagreement.

CHAP. 83

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 taking water, how ascertained and paid.

SECT. 8. Any person suffering damage by the taking of water by said company as provided by this act, may have his damages ascertained 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.

Company authorized to make contracts to supply water with United States, state of Maine and town.

—town may make contracts for water supply.

SECT. 9. Said corporation is hereby authorized to make contracts with the United States, the state of Maine and with corporations and inhabitants of said town of Mount Desert, for the purpose of supplying water, as contemplated by this act. And said town of Mount Desert is hereby authorized by its municipal officers 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 town and said company may agree, which, when made shall be legal and binding upon all parties thereto.

Penalty for corrupting water or injuring works.

SECT. 10. Whoever shall willfully and maliciously corrupt the water of said pond, 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 willfully 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.

Authorized to issue bonds.

SECT. 11. For the purpose of raising funds to be used in the construction of its works and to carry out the purposes for which it was created as provided by this act, said company is hereby authorized to issue its bonds to an amount not exceeding fifty thousand dollars, of such date and denomination, and payable at such times as the said company may determine and to secure the said bonds, both principal and interest by a mortgage upon all its property, both real and personal, and also upon the franchise of the corporation.

Capital stock.

SECT. 12. The capital stock of said corporation shall not be less than one thousand dollars, divided into shares of

twenty-five dollars each, which may, by vote of said company be increased so as not to exceed fifty thousand dollars.

SECT. 13. The first meeting of said corporation may be called by any three of the within named corporators, by publishing notice of the time and place and object thereof, in any newspaper published in the county of Hancock, at least seven days before the time of holding said meeting; and at said meeting the officers of said corporation may be chosen and such other corporation business done as may be deemed requisite and proper.

First meeting,
how called.

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

Approved February 19, 1891.

Chapter 84.

An Act to incorporate the Webb's River Improvement Company.

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

SECT. 1. George B. Bearce, Charles C. Wilson, E. I. Brown, F. G. Arey, S. R. B. Pingree, E. S. Coe, their associates and successors are hereby incorporated into a company under the name of the Webb's River Improvement Company, with all the rights, powers and privileges, and subject to the liabilities of similar corporations.

Corporators.

—corporate
name.

SECT. 2. Each owner of lands upon Webb's pond in the town of Weld and its tributaries and upon Webb's river and its tributaries, may take an amount of stock in said company in proportion to the number of acres of land owned by him there, and thereby become a member of this corporation, it being hereby intended that the benefits of this charter shall apply equally and fairly to all said land owners upon said waters.

Owners of land
may take stock
of company.

SECT. 3. Said corporation is hereby authorized to construct and maintain dams and side dams, piers, abutments, booms, side booms and sluices at the outlet of said pond and in said river, and to blast, excavate and deepen said outlet and the channel of said river, remove any obstructions therein and make any and all other improvements thereon which will facilitate the transportation of logs, wood and other lumber down said stream into the Androscoggin river; to hold and

Powers.