

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1893.


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1893.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1893.

Chapter 548.

An Act to grant certain powers to the Eden Water Company. 

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

SECT. 1. For the purpose of supplying the inhabitants of the village of Bar Harbor, Hull's Cove and vicinity, in the town of Eden, county of Hancock, state of Maine, with pure water for domestic and municipal purposes, the extinguishment of fires, the supply of shipping and the use of manufactories, the Eden Water Company, a corporation organized under the general laws of the state of Maine, shall have power and is hereby authorized, for the purposes aforesaid to take, detain and use water from Eagle lake and all streams tributary thereto, in the said town of Eden, 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.

Eden Water Co., authorized to take and supply water.

—may hold lands, etc.

SECT. 2. Said corporation is hereby authorized for the purposes aforesaid, to erect a dam or dams at the outlet of said Eagle lake or elsewhere, of sufficient height and strength to increase the capacity of said Eagle lake for the holding of water, to the extent of four feet higher than its present mean level.

May erect dam at outlet of Eagle lake.

SECT. 3. Said company 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. 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.

May cross any water courses, private or public sewer.

—shall make repairs on streets, and not obstruct public travel.

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Authorized, to lay pipes in and through streets.

—responsibility, for damages.

May take land for purposes of flowage, and dams.

—shall file plans of location in registry of deeds, Hancock county.

Damages, how ascertained, in case of disagreement.

—location, invalid, unless paid within 90 days.

SECT. 4. Said corporation is hereby authorized to lay down, in and through the streets and ways in said town of Eden, and to take up and replace and repair all such pipes, aqueducts and fixtures as may be necessary for the purpose of their incorporation. 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.

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 office of the county commissioners of 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.

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 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, the 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 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.

—company, may make tender to land owner.

—if lands are occupied before final judgment, must file bond for payment.

SECT. 7. Said company is hereby authorized to make contracts with the United States, the state of Maine, and with corporations and inhabitants of said town of Eden, for the purposes of supplying water as contemplated by this act. And said town of Eden is hereby authorized by its selectmen, 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.

May make contracts to supply water.

—town may contract for water, and exempt from taxation.

SECT. 8. For the purpose of raising funds to be used in the construction of its works, and to carry out its purposes as defined by its certificate of organization and by this act, said corporation is authorized to issue its bonds to an amount not exceeding two hundred thousand dollars of such date and denomination and payable at such times as 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 its franchise and right to be a corporation, including the rights conferred upon it by this act, and if said corporation shall so determine said bonds may be convertible into preferred stock herein authorized. Said corporation is also hereby authorized to issue non-preferred and preferred stock upon such terms and conditions to such persons and corporations and with such limitations and restrictions as it may

May issue bonds and mortgage property.

—issue non-preferred and preferred stock.

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deem necessary or proper, but the total amount of stock so to be issued shall not exceed two hundred and fifty thousand dollars. The enumeration in this act of certain powers, shall not be construed as excluding other powers not enumerated.

Char'or void, if
Bar Harbor
Water Company
makes improve-
ments in exten-
sion of existing
plant.

SECT. 9. The charter hereby granted shall be null and void if the Bar Harbor Water Company shall, in a proper and workmanlike manner, make the following improvements in and extension of its existing plant at the times herein required; on Eden street the existing ten inch main from the end of the twelve inch main to the northern intersection of Highbrook road shall be replaced by a twelve inch main; an eight inch main shall be laid on said Highbrook road from its intersection with Eden street thence up said road to the Woodbury road; thence up the said Woodbury road to Eagle lake road; thence on said Eagle lake road to the corner of Eden street and Mount Desert street; the existing four inch main on Eden street from Cottage street to Mount Desert street shall be replaced by a ten inch main; on Mount Desert street the present four inch main shall be replaced by a ten inch main so that the present ten inch main shall be extended to and connect with the proposed ten inch main on Eden street; on West street a six inch main shall be laid from Eden street to connect with the eight inch main now on West street; on Bridge street the present two inch main from Cottage street to West street shall be replaced by a four inch main; on Kebo street a six inch main shall be laid from Mount Desert street eighteen hundred feet; on Second South street the present two inch main shall be replaced by a six inch main; on Main street the present four inch and two inch mains shall be taken up and a six inch main shall be laid on said Main street from Mount Desert street to the Cromwell Harbor road and thence down said Main street one thousand feet; on School street the two inch main from the present six inch main shall be replaced by a six inch main and the said six inch main thence extended on and along the Cromwell Harbor road to Main street; on Wayman lane from Main street thence on said lane five hundred and fifty feet, the two inch main now existing shall be replaced by a six inch main. All leaks shall be stopped reasonably. Air cocks, or their equivalents, shall be placed on all summits where needed. Gates shall be placed therein as follows: at the corner of Eden street and Highbrook road a ten inch and an eight inch gate;

at the corner of Woodbury road and Eagle lake road an eight inch gate; at the corner of Mount Desert street and Kebo street an eight inch, a ten inch and a six inch gate; at the corner of Eden and Cottage streets a ten inch gate; at the corner of Eden and West streets a six inch gate; on Holland street two four inch gates; at the corner of School street and the Cromwell Harbor road a six inch gate; on Wayman lane a six inch gate; at the corner of Main street and proposed street three six inch gates; at the corner of Main street and the Cromwell Harbor road two six inch gates; the six inch main on Main street, above specified, shall be laid on or before July first, in the year of our Lord eighteen hundred ninety-three; the remainder of said work shall be completed on or before January first, in the year of our Lord eighteen hundred ninety-four. Said company shall begin said work as soon as practicable. Upon petition therefor by the Bar Harbor Water Company, the chief justice of the supreme judicial court and two associate justices by him appointed therefor, or three justices appointed by said chief justice in case of his refusal or inability to act, after notice to said Eden Water Company and hearing, may extend said time to July first in the year of our Lord one thousand eight hundred ninety-four, if it appears to them that said Bar Harbor Water Company has prosecuted said work in good faith and has been prevented from the full performance thereof by inevitable accidents or inevitable causes. All said work shall be done under the supervision of a competent engineer. The Eden Water Company shall have the right to appoint an inspector who shall have the privilege of examining said work from time to time, but he shall not in any way interfere with the same or have any authority over such work. Upon application made by the Bar Harbor Water Company or by the Eden Water Company, filed in the clerk's office of the supreme judicial court for Hancock county during the month of January, in the year of our Lord one thousand eight hundred ninety-four after notice and hearing, the chief justice of the supreme judicial court, with two associate justices by him appointed therefor, or any three justices appointed by said chief justice in case of his refusal or inability to act, shall determine finally and without appeal whether the aforesaid conditions have been substantially performed and whether the charter hereby granted is or is not in full force and oper-

—when work shall be completed.

—time, may be extended.

—work, to be done by competent engineer.

—Eden Water Co., shall have right to appoint an inspector.

—who shall determine whether conditions have been performed.

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ation, and their findings by them signed shall be returned to and entered of record in the office of the clerk of courts of the county of Hancock.

When act shall be void.

SECT. 10. This act shall in any event become null and void if the said Eden Water Company shall fail to commence actual business hereunder, on or before July first in the year of our Lord one thousand eight hundred ninety-six.

This charter shall be in force, when it is determined that Bar Harbor Water Co. has failed to perform conditions imposed.

SECT. 11. If the said Bar Harbor Water Company shall fail to lay the six inch main on Main street as specified in this bill, on or before the first day of July, in the year of our Lord eighteen hundred and ninety-three, unless prevented by inevitable accidents or inevitable causes, the Eden Water Company may then present its petition to the chief justice of the supreme judicial court, who with two associate justices appointed by him therefor, or by three justices appointed by said chief justice in case of his refusal or inability to act, and after notice to said Bar Harbor Water Company and hearing upon the same, may determine finally and without appeal that the Bar Harbor Water Company has not performed the conditions as herein set forth, and that this charter is in full force, and their findings by them signed shall be returned to and entered of record in the office of the clerk of courts, in the county of Hancock, and this charter shall then be in full force; but if said six inch main is laid by said Bar Harbor Water Company according to the provisions of this bill, then the operation of this charter is suspended until January first, in the year of our Lord eighteen hundred ninety-four, as provided in the other provisions of this act.

—when charter may be suspended.