

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

OF THE

## SIXTY-SEVENTH LEGISLATURE

OF THE

## STATE OF MAINE

1895.

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PRIVATE AND SPECIAL LAWS  
OF THE  
STATE OF MAINE.

1895.

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## CHAP. 184

**Chapter 184.**

An Act to incorporate the Castine Water Company.

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

|  |          |   |
|--|----------|---|
| Corporators.   | SECT. 1. | A. M. Devereux, Manly G. Trask, C. Fred Jones, their associates, successors and assigns are hereby constituted a body corporate and politic by the name of the Castine Water Company for the purpose of supplying water in the town of Castine to whoever may desire to purchase the same for domestic, sanitary, industrial, public and municipal uses, including extinguishing of fires.  |
| Corporate name.  |          |   |
| Authorized to take water and land.                                 | SECT. 2. | The purposes of said corporation being public purposes, the said corporation for said purposes may take, detain, divert and use so much of the waters of any lake, stream, or artesian well now existing in said town of Castine, as may be necessary therefor, and further, for said purposes, said corporation may purchase or take and hold as for public uses, such lands and such waters herein before described as may be necessary for obtaining, securing, conducting and distributing an ample supply of water for the uses contemplated in the charter, including lands for reservoirs, pipes, windmills and other structures of said corporation. Not more than one rod in width of land shall be used for laying any one line of pipe, nor more than one-half acre be taken for any one reservoir and the windmill supplying it.  |
| Amount of land, limited.   |          |   |
| Liable for all damages, and how assessed, in case of disagreement. | SECT. 3. | Any person sustaining damage by such taking, detaining, diverting and using of waters, or by taking and using of lands of his, shall be paid a just compensation therefor by said corporation. If such person and said corporation do not agree upon the amount of said compensation, such person may, within twelve months after such filing of plans and statements of damages offered as is hereinafter provided for, apply to the commissioners of the 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 should fail to pay such land owner within ninety days after taking, when there is no contest on the question of damages, or fail to deposit |
| —how damages may be collected.                                     |          |   |

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 become thereby invalid, and said company forfeit all rights under the same, as against such land owners. 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 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.

SECT. 4. When said company shall have occasion to take, detain, divert, or use any waters as aforesaid, or take and use any lands as aforesaid, it shall cause a statement of such waters, and a description of such lands, with a plan thereof, and a statement of the amount of damages it is willing to pay each person for the property so taken or used, to be filed in the registry of deeds for Hancock county, and also in the office of the town clerk of Castine, and public notices, announcing that said filing has been made, shall be conspicuously posted in said town of Castine, at the same date, and within ten days of such filing a copy of such statement and description shall be published three weeks successively in some public newspaper in said Castine or in Ellsworth in said county. Such water or land shall be deemed to have been taken at the date of such filing. The corporation shall occupy no water nor lands until the expiration of ten days from the date of said filing, but may make all needful surface explorations, and surveys, and levels, on any lands or waters in said Castine, prior to such filing. The corporation shall not take, nor in any manner encroach upon the land known as Fort George in said Castine, nor the land immediately surrounding it, bounded southwesterly by land

Shall file in registry of deeds and town clerk's office, when water and land are taken.

When Co. may occupy water and land.

## CHAP. 184

occupied by Charles F. Bates, and on the other three sides by town ways.

May lay pipes on private lands, and highways.

SECT. 5. Said company is hereby authorized to lay, construct and maintain its pipes, in and under the lands of private persons or corporations, and in and under the highways, ways, streets, railroads, and bridges in said town, and to take up, replace and repair all such pipes, hydrants and structures as may be necessary for the purposes of its incorporation, to enter upon, pass over, and excavate any lands, or any highways or other way. The excavating and other using of the public lands, ways, and structures in said town, shall be under such regulations and restrictions as the municipal officers shall prescribe.

May cross any private or public sewer.

SECT. 6. Said company shall have the power to cross any water course, public or private sewer, or to change the direction thereof, and said company shall be liable for any injury caused thereby. Whenever said company shall lay down any fixture 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 sidewalks then removed by it, to be replaced in proper condition.

—shall not obstruct travel.

Liabie for damages to highways.

SECT. 7. Said company shall, in all cases be liable to pay to said town all sums which said town may be compelled to pay for damages, by reason of any defect in any highway, way or street therein, occasioned by any fault or neglect of said company, provided, said company shall have notice of any suit wherein such damages are claimed, and shall be allowed to defend the same at its own expense.

May purchase water and land.

SECT. 8. Said company is hereby authorized to purchase at such prices and upon such terms and conditions, as may be agreed upon between said company and the owner or owners thereof, any artesian well, spring, reservoir, pipes, hydrants, or other appurtenances, or any lands which it may deem necessary to carry out the purposes set forth in its charter.

May distribute water, and collect rates.

SECT. 9. Said company may distribute the water through the said town of Castine and to the shipping along the water front, may regulate the use of said water, fix and collect water rates to be paid for the same from time to time, but such rates shall not exceed those of other towns in Maine, of

the general size and circumstances of Castine and similarly situated. CHAP. 184

SECT. 10. Said company is hereby authorized to make contracts with the United States, the state of Maine, other corporations, owners and operators of steam and sailing vessels, and with the inhabitants and temporary residents of the town of Castine for the purpose of supplying water as contemplated by the charter of the company. The said town of Castine is hereby authorized by a majority vote at any meeting legally called therefor to instruct its selectmen or a majority of them to enter into contract with said company for a supply of water for fire and other municipal purposes on such terms as the parties may agree, including the remission of taxes upon the real estate, fixtures and plant of said corporation and may raise money therefor in the same manner as for other town charges.

May contract to supply water.

—town authorized to contract for water, and exempt from taxation.

SECT. 11. Whoever shall without the written consent of said company make any opening in any of the pipes of said company for the purpose of using water from the same, or attach any faucet, valve or other device to any pipe leading from the pipes of said company, or to any tank supplied from the pipes of said company, through which the water of said company may be used without its knowledge, or whoever shall use the water of said company without its knowledge and written consent shall be liable to said company for three times the rates established for said uses, to be recovered in an action on the case.

Penalty, for taking water without consent of Co.

SECT. 12. The capital stock of said company shall be twenty-five thousand dollars and may be increased to fifty thousand dollars by a vote of said company at any meeting legally called for that purpose, and said stock shall be divided into shares of one hundred dollars each.

Capital stock.

SECT. 13. Said company may issue its bonds for the construction of its works of any and all kinds, and for the purchase of property real and personal, in such amounts not exceeding the amount of capital stock actually subscribed, and upon such time and rate of interest as it may deem expedient, and secure the same by a mortgage of its franchise and property.

May issue bonds.

SECT. 14. The first meeting of said company may be called by a written notice thereof, signed by any one of the corporators served upon each of his associates by giving him

First meeting, how called.

CHAP. 185 the same in hand, or mailing the same to his last and usual address seven days before the time of meeting.

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

Approved March 14, 1895.

### Chapter 185.

An Act to extend the charter of the Bath, Small Point and Popham Beach Railroad Company.

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

Charter  
extended, two  
years.

The period with which the Bath, Small Point and Popham Beach Railroad Company must have organized and commenced actual business under its charter, is hereby extended until March eleven, eighteen hundred and ninety-seven.

Approved March 14, 1895.

### Chapter 186.

An Act to incorporate the North Berwick Water Company.

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

Corporators.

SECT. 1. William B. Tobey, John B. Russell, Richard Henry Hurd, Daniel A. Hurd and Charles W. Greenleaf of North Berwick, in York county, their associates, successors and assigns, are hereby incorporated by the name of the North Berwick Water Company, for the purpose of supplying the village of North Berwick in the county of York, and the inhabitants of said North Berwick with pure water for industrial, manufacturing, domestic, sanitary and municipal purposes, including extinguishment of fires.

Corporate  
name.

—purposes.

May take  
water from  
Ell pond. ;

SECT. 2. Said company, for said purposes, may detain, collect, take, store, use and distribute water from Ell pond in Sanford, Wells and North Berwick or any other water source or sources, within a radius of five miles of North Berwick village.