

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE

1899.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1899.

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Chapter 147.

An Act to incorporate the Strong Water Company.

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

Section 1. Philip H. Stubbs, Menzor A. Will, Bezer B. Harvey, Elias H. Porter, James H. Bell, Lionel True, William H. Dyer, their associates, successors and assigns, are hereby made a corporation by the same of the Strong Water Company, for the purpose of supplying the town of Strong, in the county of Franklin, and the inhabitants of said town, with pure water for industrial, domestic, sanitary and municipal purposes, including the extinguishment of fires.

Corporators.

--corporate name.

--purposes.

May retain waters from any source available.

Section 2. Said company, for said purposes, may retain, collect, take, use and distribute water from any springs, except such as are in actual use for domestic purposes, ponds, streams or other water sources in said Strong, or from any stream or pond in New Vineyard or Avon except Mount Blue pond in said county, and may locate, construct and maintain dams, reservoirs, aqueducts, gates, pipes, hydrants and all other necessary structures therefor.

May lay pipes, etc., along any street, etc.

--shall not obstruct streets.

--responsible for all damages caused by use of streets.

Section 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 towns, and to take up, replace and repair all such sluices, aqueducts, pipes, hydrants and structures as may be necessary for the purposes of its incorporation so as not to unreasonably obstruct the same, under such reasonable restrictions and conditions as the selectmen of said towns may impose. It shall be responsible for all damages to 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 towns for damages for obstructions caused by said company, and for all expenses, including reasonable counsel fees, incurred in defending such suits, with interest on the same, provided said company shall have notice of such suit, and opportunity to defend the same.

Manner of crossing any railroad, shall be determined by railroad commissioners.

Section 4. In case of failure to agree with any railroad company as to place, manner and conditions of crossing its railroad with such pipe, the place, manner and conditions of such crossings shall be determined by the railroad commissioners, and all work within the limits of the railroad location and lands, shall be done under the supervision and to the satisfaction of the officers and agents of the railroad company, but at the expense of the said water company.

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Section 5. Said company shall have power to cross any water course, private and public sewer, or to change the direction thereof when necessary for the purposes of its incorporation, but in such manner as not to obstruct or impair the use thereof, and it 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 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 course or sewer.

—shall not obstruct travel.

Section 6. Said company may take and hold any waters as limited in section two, and also any lands necessary for reservoirs, and other necessary structures, and may locate, lay and maintain 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 for said county of Franklin, plans of the location of all lands and water rights taken under the provisions of this act, 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. Not more than one rod in width of land shall be occupied by any one line of pipe or aqueduct.

May take waters and land.

—shall file plan of location in registry of deeds.

Section 7. Should the said company and the owner of such land so taken be unable to agree upon the damages to be paid for such location, taking, holding and construction, the land owner may, within twelve months after said filing of plans of location, apply to the commissioners of said county of Franklin 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

Damages, how ascertained in case of disagreement.

—proceedings, in case company fails to pay damage.

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—if company begins to occupy land before rendition of judgment, it shall file bond.

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 bond 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 taken against said company for such taking, holding and occupation, until after such failure to pay or deposit as aforesaid. Failure to apply for damages within three years by the land owner, shall be held to be a waiver of the same.

Damages for taking of water.

Section 8. 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. And a tender by said company may be made with the same effect as in the preceding section.

May make contract to supply water.

Section 9. Said corporation is hereby authorized to make contracts with the United States, and with corporations, and the inhabitants of the said town of Strong or Avon, or any village corporation therein for the purpose of supplying water as contemplated by this act; and said town of Strong by its selectmen, or a village corporation therein by its assessors, is hereby authorized to enter into contract with said company for a supply of water for public uses and for the remission of taxes upon its real estate, fixtures, franchise and plant, on such terms and for such time as the parties may agree, which, when made, shall be legal and binding on all parties thereto, and said town of Strong or village corporation therein, for this purpose may raise money in the same manner as for other town or corporation charges.

—town may contract for water and exempt from taxation.

Capital stock.

Section 10. The capital stock of said corporation shall be fifteen thousand dollars, which may be increased to any sum not exceeding fifty thousand dollars by a majority vote of the stockholders of the corporation; and the stock shall be divided into shares of the par value of fifty dollars each.

May hold estate to amount of \$100,000.

Section 11. 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 issue bonds and mortgage property.

Section 12. 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, to an amount not exceeding in all the capital stock of said corporation, actually subscribed for,

and secure the same by mortgage or mortgages of the franchise and property of said company. CHAP. 148

Section 13. The first meeting of said company may be called by a written notice thereof, signed by any corporator 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.

Section 14. This act shall become null and void in two years from the day when the same shall take effect, unless said company shall have organized and commenced actual business under this charter.

Act shall be null in two years.

Section 15. This act shall take effect when approved.

Approved March 15, 1899.

### Chapter 148.

An Act to amend Chapter four hundred and ninety-one of the Private Laws of the year eighteen hundred and ninety-three, relative to the sale of prize logs in Piscataquis Boom.

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

Chapter four hundred and ninety-one of the private laws of the year eighteen hundred and ninety-three is hereby amended by adding to section one of said chapter four hundred and ninety-one, the following words, namely: and said company shall, at its own expense, when sorting logs, station a man at each sorting gap, who shall count and scale any and all stray logs taken into the boom of said company, and not belonging to said company, and shall render an account of same, under oath, to the clerk of the Penobscot Lumbering Association, at Bangor, Maine, yearly, at the end of the time of sorting. Said man so stationed as aforesaid shall be appointed by the president of said lumbering association and shall serve at an expense of not exceeding two dollars per day. Such stray logs not belonging to said company, if spruce logs or other logs used by said company for pulp, shall either be turned out into a drive in Piscataquis river, or kept by said company, to be paid for to the owner, at one dollar less per thousand feet than the same mark sells for on the shore below Penobscot boom, the usual place of sale.

Chapter 491, private laws of 1893, amended.

Company shall count and scale all stray logs, and account for same.

—how stray logs shall be disposed of.

Approved March 15, 1899.