

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

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1887.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1887.

Chapter 244.

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 :

Eden Water Co. authorized to take water from Eagle Lake.

Powers.

SECT. 1. For the purpose of supplying the inhabitants of the village of Bar Harbor 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.

May erect dams at outlet of Eagle Lake.

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 cross any private or public sewer.

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.

—shall not obstruct travel.

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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.

May lay pipes in streets of Eden.

Liability for damages by use of streets.

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 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 aqueduct, and not more than five acres by any one reservoir.

May take lands for flowage, etc.

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

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

Damages in case of disagreement, how assessed.

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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.

May contract to supply water.

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.

Town may contract for supply of water and exempt from taxation.

Penalty for corrupting water or injuring property.

SECT. 8. Whoever shall wilfully and maliciously corrupt the water of said lake, 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 wilfully 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.

Capital stock, increased.

SECT. 9. Said company may increase its capital stock to a sum not exceeding two hundred and fifty thousand dollars, and for all its said purposes may hold real and personal estate necessary and convenient therefor, not exceeding in value two hundred and fifty thousand dollars.

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SECT. 10. If there should be a surplus of receipts or income after paying operating expenses, salaries, repairs and interest on the bonds and notes of the company and dividends upon its capital stock, said surplus may be applied to the reduction of water rates and to extension and alterations of its pipes and appurtenances.

Surplus shall be applied to the reduction of water rates.

SECT. 11. On or before May one, eighteen hundred and eighty-seven, the Eden Water Company shall give to Bar Harbor Water Company written notice, offering to buy all the property and franchises of the Bar Harbor Water Company, and to pay therefor a price to be determined in the manner hereinafter provided in this act, and to assume at the contract price, all contracts for pipe legally made by said Bar Harbor Water Company prior to January one, eighteen hundred and eighty-seven, and subsisting at the date of said offer. If within twenty days after receipt of such offer, said Bar Harbor Water Company refuses to sell or makes no reply in writing, or neglects to comply with any of the provisions prescribed by this section, then said Eden Water Company shall be no longer bound to take or pay for any part of the property, franchises or contracts of said Bar Harbor Water Company, but may proceed as if the provisions of this section had not existed. If, however, said Bar Harbor Water Company elects to sell, it shall give said Eden Water Company notice thereof in writing within twenty days after receipt of said offer, and shall therein state in terms whether it accepts said proposal of purchase on the part of said Eden Water Company, both as to the property and franchise, and as to the contracts aforesaid. If it elects to transfer said contracts, said Bar Harbor Water Company shall, within ten days thereafter execute and deliver to said Eden Water Company all instruments necessary for that purpose, and said Eden Water Company shall at the same time execute and deliver to said Bar Harbor Water Company, legal and sufficient indemnity for all liabilities under said contracts. Said Bar Harbor Water Company shall, together with said acceptance, deliver to said Eden Water Company suitable agreements to enable said Eden Water Company to have the exclusive possession, use and operation of all lands, works and property of the Bar Harbor Water Company, from the time when the bond of said Eden

May offer to purchase property and franchises of Bar Harbor Water Co.

--if Bar Harbor Water Co. refuses to sell, then Eden Water Co. shall not be bound to take said property and may proceed to construct works.

--proceedings, if Bar Harbor Water Co. elects to sell.

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Water Company for two hundred thousand dollars shall be filed as hereinafter provided, and to enable said Eden Water Company also to have and hold thenceforth all rents, incomes and revenues of every sort, accruing to said Bar Harbor Water Company, and said Eden Water Company shall thenceforth be subject to all duties and liabilities imposed on said Bar Harbor Water Company. If said parties then fail to agree upon the sum to be paid for said property and franchise, either party may within twenty days after the receipt of said acceptance, petition the county commissioners of Hancock county to determine the value thereof, and subsequent proceedings and rights of appeal thereon by either party, shall be had in the same manner and under the same conditions, restrictions and limitations as may be then prescribed by law in case of damages by the laying out of highways. Within ten days after the filing of said petition, said Eden Water Company shall file with the clerk of the supreme judicial court for said county of Hancock, a bond in the penal sum of two hundred thousand dollars, in terms and with sureties approved in writing by the chief justice and one associate justice of the supreme judicial court of Maine, conditioned to pay to said Bar Harbor Water Company all damages and costs which may be finally awarded under said petition, together with interest at six per cent on the value of said property and franchise, from the day on which the bond aforesaid is filed by said Eden Water Company. Within thirty days after the final determination of the sum to be paid, said Eden Water Company shall pay the same, and all lands, property and franchises of said Bar Harbor Water Company shall thereafter become the property of said Eden Water Company, and all powers and privileges of said Bar Harbor Water Company, as a corporation, shall thereafter cease. On receipt of said payment, said Bar Harbor Water Company shall execute and deliver all proper deeds, agreements and instruments necessary to convey a perfect title to all the property and franchises aforesaid. In case the Bar Harbor Water Company shall elect to sell their property and franchise under the provisions of this act, and the stockholders of said Bar Harbor Water Company shall, within sixty days from said election, indicate to said Eden Water Company in writing, their desire to subscribe for and take any part not exceeding one-third of the capital stock of the said Eden

Water Company, the said Eden Water Company shall, within sixty days after receiving said written communication, furnish the owners of the stock of the Bar Harbor Water Company, with said stock of the Eden Water Company, at the same price at which it is paid for by all other subscribers, which shall be par; said stock of the Eden Water Company to be furnished to the stockholders of the Bar Harbor Water Company, in the proportion in which the stock of the Bar Harbor Water Company is held by said stockholders. Reserving to the stockholders of the said Bar Harbor Water Company the right, after they shall have subscribed for said stock of said Eden Water Company, to allow said stock so subscribed for, to remain in the treasury of the Eden Water Company unpaid for, until twenty days after said Eden Water Company shall have made full and complete payment for the property and franchise of the said Bar Harbor Water Company as herein provided. Provided, that if the stockholders of said Bar Harbor Water Company shall fail to take and pay for said stock of said Eden Water Company within said twenty days, their right to said stock shall thereupon cease. The value of the franchise of said Bar Harbor Water Company shall be estimated as unaffected by the existence of the charter granted by this act.

SECT. 12. In case the Eden Water Company fails to do and perform any of the acts required of them under the provisions of section eleven, this charter shall thereupon become null and void.

SECT. 13. This act shall take effect when approved.

Approved March 11, 1887.

Chapter 245.

An Act to incorporate the Brunswick Horse Railroad Company.

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

SECT. 1. Alonzo Day, Aaron V. Metcalf, Albert Potter, Andrew T. Campbell, Junior, and Samuel Knight, Junior, their associates and successors, are hereby constituted a corporation by the name of the Brunswick Horse Railroad Company, with authority to construct, maintain and use a railroad, to be operated by horse power, with convenient

If company fails to perform acts required, this charter to be void.

Corporators.

Corporate name.

Authorized to construct a horse railroad.