

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

OF THE

## FORTY-EIGHTH LEGISLATURE

OF THE

## STATE OF MAINE.

1869.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1869.

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## CHAP. 190.

**Chapter 190.**

An act to change the name of Esther M. Fish.

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

Name changed.

From and after the approval of this act, Esther M. Fish of Fairfield, shall be allowed to take the name of Etta M. Nowell.

Approved March 1, 1869.

**Chapter 191.**

An act to supply the people of Bangor with pure water.

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

Corporators.

SECT. 1. Thomas Mason, Solomon Parsons, Henry A. Wood, James Dunning, J. S. Rowe, John Lane, J. W. Palmer, S. F. Hersey, W. H. Bishop, with their associates and successors, are hereby made a corporation, by the name of the Bangor Water Company, for the purpose of conveying to the city of Bangor a supply of pure water for domestic and municipal purposes, including the extinguishment of fires and the supply of shipping.

Corporate name and purpose.

May hold real and personal estate.

SECT. 2. Said corporation may hold real and personal estate necessary and convenient for the purpose aforesaid, not exceeding in amount six hundred thousand dollars.

Powers.

SECT. 3. Said corporation is hereby authorized for the purpose aforesaid, to take and hold the water of Hat Case pond, so called, in the town of Dedham, and the streams tributary thereto in said town, and may also take and hold, by purchase or otherwise, any land or real estate necessary for erecting dams and reservoirs, and for laying and maintaining aqueducts for conducting, discharging, distributing and disposing of water, and for forming reservoirs thereof.

Liabilities for land damages, flowage, &amp;c.

SECT. 4. Said corporation shall be liable to pay all damages that shall be sustained by any persons in their property, by the taking of any land or mill privilege, or by flowing or excavating through any land for the purpose of laying down pipes, building dams, or constructing reservoirs; and if any person sustaining damage as aforesaid and said corporation shall not mutually agree upon the sum to be paid therefor, such person may cause his damages to be ascertained 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.

Capital stock and shares, how applied.

SECT. 5. The capital stock of said company shall not exceed six hundred thousand dollars, and shall be divided into shares of

one hundred dollars each. Said capital stock shall be applied exclusively to the supply and distribution of water for the purposes set forth in this act.

SECT. 6. If said corporation shall not be organized, and its works put into actual operation within six years from the approval of this act, it shall be null and void.

Organization,  
limit of time for.

SECT. 7. Nothing contained in this act shall be construed to affect or diminish the liability of said corporation, for any injury to private property, by depreciating the value thereof or otherwise, but said corporation shall be liable therefor in an action on the case.

Injury to private  
property, &c.

SECT. 8. The said company are hereby authorized to lay down in and through the streets of said city, and to take up, replace, and repair, all such pipes, aqueducts and fixtures as may be necessary for the objects of their incorporation, first having obtained the consent of the city council therefor, and under such restrictions and regulations as said city council may see fit to prescribe; and any obstruction in any street of said city, or taking up or displacement of any portion of any street, without such consent of the city council, or contrary to the rules and regulations that may be prescribed as aforesaid, shall be considered a nuisance, and said company shall be liable to indictment therefor, and to all the provisions of the law applicable thereto, and said company shall in all cases be liable to repay said city all sums of money that said city may be obliged to pay on any judgment recovered against said city for damages occasioned by any obstructions or taking up or displacement of any street by said company whatever, with or without the consent of the city council, together with council fees and other expenses incurred by said city in defending any suit to recover damages as aforesaid, with interest on the same, to be recovered in an action for money paid to the use of said company.

Construction  
and repairs.

Obstructions,  
liabilities in  
case of damages  
caused by.

SECT. 9. Whenever the company shall lay down any pipes or aqueducts in any street, or make any alteration or repairs upon their works in any street, they shall cause the same to be done with as little obstruction to the public travel as may be practicable, and shall at their own expense, without unnecessary delay, cause all earth and pavement removed by them to be replaced in proper condition. They shall not in any case be allowed to obstruct or impair the use of any public or private drain, or common sewer or reservoir, but said company shall have the right to cross, or when necessary, to change the direction of any private drain in such a manner as not to obstruct or impair the use thereof, being liable for any injury occasioned by any such crossing or alteration to the owner thereof or any other person, in an action upon the case.

Alterations and  
repairs, how  
made, &c.

Public or private  
way, sewers, &c.,  
obstruction of.

## CHAP. 191.

Streets, obstructions of by servants of officers of corporation.

May be indicted therefor.

Fines, how collected and applied.

Damages, how recovered.

Malicious injury to property or water, &c., how punished.

May erect dam or works over tide waters if approved by city council.

Mayor and aldermen may regulate certain doings of corporation.

First meeting, how called.

City of Bangor may within one

SECT. 10. If said company or any of their servants or officers, in effecting the objects of the company, shall wilfully or negligently place or leave any obstruction in any of the streets of Bangor, beyond what is actually necessary in constructing their works, laying down, taking up and repairing their pipes and fixtures, or shall wilfully or negligently omit to repair and put in proper condition any street in which the earth or pavement may have been removed by them, the company shall be subject to indictment therefor, in the same manner that towns are subject to indictment for bad roads, and shall be holden to pay such fine as may be imposed therefor, which fine shall be collected, applied and expended in the same manner as is provided in case of the indictment aforesaid against towns, or may be ordered to be paid into the treasury of the city. If any person shall suffer injury in his person or property by reason of any such negligence, wilfulness or omission, he shall be entitled to recover damages of the company therefor, by action on the case in any court of competent jurisdiction.

SECT. 11. Any person who shall maliciously injure any of the property of said company, or who shall corrupt the waters of said pond or any of its tributaries, or render them in any manner impure, or who shall throw the carcasses of dead animals or other offensive matter or materials into the waters of said pond or any of its tributaries, or leave the same upon the same when frozen, or who shall in any manner wilfully destroy or injure any dam, reservoir, aqueduct, pipe, hydrant, or other property held, owned, or used by said corporation for the purposes of this act, shall pay three times the amount of damages to said company, to be recovered in any proper action, and every such person on conviction of either of said acts, shall be punished by fine not exceeding five thousand dollars and by imprisonment not exceeding one year.

SECT. 12. If in the erection and construction of the works herein provided for, it shall become necessary to erect any dam, or permanent works over tide waters, the said company is hereby authorized to erect, construct and maintain the same, first having the approval of the city council of said city.

SECT. 13. The mayor and aldermen, for the time being, shall at all times have the power to regulate, restrict, and control the acts and doings of said corporation which may in any manner affect the health, safety or convenience of the inhabitants of said city.

SECT. 14. The first meeting of said corporation may be called by a notice signed by two of the corporators, published five days successively before the day fixed for such meeting in any newspaper published in Bangor.

SECT. 15. The city of Bangor shall have the right at any time within one year from the date of approval of this act, to take,

exercise and control all the property, rights, powers and privileges of said corporation, on paying to said corporation the amount of money actually paid in and expended under the provisions of this act; and in case said city and said corporation shall not agree upon the sum to be paid therefor, the supreme judicial court, at any term thereof holden in the county of Penobscot, upon application of said city, shall appoint three commissioners, whose duty it shall be to hear the parties and determine what amount has been expended under the provisions of this act, the report of whom, or the major part of them, when made and accepted by the court, shall be final; and upon payment of that sum, the franchise of said corporation, with all the property, rights, powers and privileges, shall vest in and belong to said city of Bangor.

SECT. 16. This act shall be taken and deemed to be a public act, and shall be in force from and after its approval.

Approved March 1, 1869.

**CHAP. 192.**

year take control of property, &c.

Disagreement, in case of, S. J. Court may appoint commissioners to adjudicate.

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**Chapter 192.**

An act to secure harmony of action between the Board of Agriculture and the State College of Agriculture and the Mechanic Arts.

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

SECT. 1. The secretary of the board of agriculture is hereby constituted a member *ex-officio* of the board of trustees of the state college of agriculture and the mechanic arts.

Secretary constituted *ex-officio* member of board of trustees.

SECT. 2. In addition to the members of the board of agriculture as constituted by chapter one hundred eighty-six of the laws of eighteen hundred and sixty, the governor, with the advice of the executive council, shall appoint five members at large, of whom two at least shall be from the faculty of the state college of agriculture and the mechanic arts. The term during which these shall severally hold office shall be determined in the same manner as the other members.

Members at large to be appointed by the governor with advice of council.

Tenure of office.

SECT. 3. The board of agriculture shall hold two sessions annually, of not exceeding four days each, one of which shall be held within such convenient distance of the state college of agriculture and the mechanic arts as will enable the attendance of the students and faculty of said college, so that they may have the advantage of the addresses and discussions before the board. The other session shall be at such time and place as may be from time to time determined by vote of the board. The first meeting under this act shall be held at such time and place as may be determined by the

Sessions, number and length of, regulated.

Board may fix time and place of other sessions.

First meeting.