

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1885.

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1885.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1885.

Chapter 394.

An Act to supply the people of the city of Bath with pure water.

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

SECT. 1. Arthur Sewall, Charles Davenport, L. W. Houghton, John S. Elliot, Thomas W. Hyde, John H. Kimball, Franklin Reed, F. H. Patten, Galen C. Moses, James A. McLellan, Frank O. Moses, Charles H. McLellan, John W. Marr, F. B. Torrey, John O. Patten, Henry W. Swanton, A. H. Shaw, George Moulton, Jr., Samuel D. Bailey, George H. Nichols, their associates, successors and assigns, are hereby incorporated a body politic by the name of the Bath Water Supply Company, for the purpose of supplying the city of Bath, or any part thereof, with pure water for domestic, manufacturing, private and public uses. Corporate name. Purposes of.

SECT. 2. Said corporation may for said purposes hold real and personal estate not exceeding in amount, five hundred thousand dollars. —may hold real and personal estate.

SECT. 3. Said corporation is hereby authorized, for the purposes aforesaid, to take, hold and convey to the city of Bath, and through any part thereof, the water of any river, spring, natural or artificial pond, brook, or other water sources, in Bath, West Bath, Woolwich or Topsham, in the county of Sagadahoc, or in Brunswick, in the county of Cumberland; and said corporation may take and hold by purchase or otherwise, any real estate necessary for the preservation and purity of the same, or for forming any dams or reservoirs to hold the same, and for laying and maintaining aqueducts and pipes for distributing the water so taken and held; and may lay its water pipes through any private lands with the right to enter upon the same and dig therein for the purpose of making all necessary repairs or service connections; and for the purposes aforesaid may lay its pipes under or over any water course, street, railroad, highway or other way, in such a manner as not unnecessarily to obstruct the same; and may lay down, in and through the streets and ways in said towns of West Bath, Woolwich, Topsham, Brunswick, and the city of Bath, and to take up, replace and repair all such pipes, aqueducts or fixtures as may be necessary for the purposes of their incorporation, under such reasonable restrictions as the selectmen of said towns, and the mayor and —take and convey water. —hold real estate. —lay pipes.

CHAP. 394

Liabile for
damages.

aldermen of said city may impose ; and said corporation shall be responsible for all damages to persons or property occasioned by the use of such streets and ways, and shall pay to said towns and city all sums recovered against said towns and city for damages from obstruction caused by said corporation, and for all expenses including reasonable counsel fees incurred in defending such suits, with interest on the same.

Damages, how
determined, in
case of disagree-
ment.

SECT. 4. Said corporation shall pay all damages that shall be sustained by any persons by taking of any land or other property, or by flowage, or by excavating through any land for the purpose of laying down pipes and aqueducts, building dams and reservoirs, and damages for any other injuries resulting from said acts ; and if any person sustain damages as aforesaid and the amount thereof cannot be mutually agreed upon, such person may cause his damage 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.

May make con-
tracts to supply
water.

SECT. 5. Said corporation may make contracts with the United States, the State of Maine, the county of Sagadahoc, the towns and city through which the pipes of the company may be located, or with the corporations and individuals of said towns and city for supplying water, as contemplated in this act. . And said corporation may establish and fix from time to time rates for the use of said water and collect the same. And the city of Bath by a majority vote of its city council present and voting jointly thereon, is hereby authorized to contract for a supply of water for the extinguishment of fire or other purposes, for a term of years with said corporation, *provided*, the contract be assented to by said city by a majority vote of the voters present and voting thereon at a legal meeting called for that purpose.

--fix rates.

City of Bath
authorized to
contract for a
supply of water.

--proviso.

Capital stock.

SECT. 6. The capital stock of this corporation shall be three hundred thousand dollars, and shall be divided into shares of one hundred dollars each. Said capital may be increased to five hundred thousand dollars by a vote of this corporation.

May issue bonds
and mortgage
property.

SECT. 7. Said corporation may issue bonds for the construction of its works upon such rates and time as it may deem expedient, not exceeding three hundred thousand dollars, and secure the same by mortgage on the franchise and property of said corporation.

SECT. 8. Any person who shall wilfully injure any of the property of said corporation, or knowingly corrupt the sources of its water supply, or of any of its tributaries, or in any manner defile them, or divert any of the water, whether the same be frozen or not, shall forfeit and pay to said company three times the amount of actual damages sustained, to be recovered in an action of tort; and on conviction of either of the wilful acts aforesaid shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year.

Penalty for corrupting waters.

SECT. 9. If said corporation shall not be organized and its works put in actual operation within three years from the approval of this act, the city of Bath shall succeed to all the rights and privileges herein granted.

City of Bath to succeed to rights of corporation if works are not in operation in three years.

SECT. 10. The first meeting of said corporation may be called by a notice signed by any two of the corporators, published five days successively before the day fixed for such meeting, in any newspaper published in Bath.

First meeting.

SECT. 11. This act shall take effect when approved.

Approved February 11, 1885.

Chapter 395.

An Act in favor of the town of Embden, relating to retirement of town bonds issued in aid of Somerset Railroad.

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

SECT. 1. The town of Embden is hereby authorized to retire by purchase or exchange, at the option and with the consent of the holder, the bonds issued by said town in aid of the Somerset Railroad Company, either at or before maturity thereof; and for this purpose to issue town orders or new bonds, in such form and amount, having such rate of interest, and payable at such times and places as may be determined by vote of the qualified voters of said town at a meeting thereof, called according to law, for that purpose; *provided, however,* that nothing herein contained shall authorize any increase in the indebtedness of said town.

Town of Embden authorized to retire its railroad bonds.

—may issue new town orders or bonds.

—indebtedness shall not be increased.

SECT. 2. Said town is hereby authorized, at the annual meeting thereof, to raise such sum of money as they may

—may raise money at annual meeting to pay orders or bonds.