

# MAINE STATE LEGISLATURE

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# DOCUMENTS

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# THE LEGISLATURE

OF THE

STATE OF MAINE.

1866.



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1866.

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# FORTY-FIFTH LEGISLATURE.

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HOUSE.

No. 36.

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## STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-SIX.

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AN ACT to supply the inhabitants of the city of Bangor with pure water.

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

SECTION 1. James Dunning, Thomas Mason, John B. Foster, Henry A Wood, John L. Hodsdon, with their associates and successors, are hereby made and constituted 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 other purposes, including a supply for the extinguishment of fires.

SECT. 2. Said corporation may hold real and personal estate necessary and convenient for the purposes

3 aforesaid, not exceeding in amount three hundred  
4 thousand dollars.

SECT. 3. Said corporation is hereby authorized for  
2 the purposes aforesaid to take, hold and convey to,  
3 into and through the said city of Bangor, the water  
4 of any accessible pond or body of water, except  
5 Pushaw pond, suitable for the purposes aforesaid, by  
6 pipes sunk below the bottom of the outlet of said body  
7 of water, and may also take and hold, by purchase  
8 or otherwise, any land or real estate necessary for  
9 laying and maintaining aqueducts for conducting and  
10 discharging, disposing of and distributing water, and  
11 for forming reservoirs ; but nothing in this act shall be  
12 taken or construed to prevent the owners of mills or  
13 mill privileges on the stream flowing through the out-  
14 let of such pond or body of water, from using the  
15 water thereof in the same manner that they now do  
16 or heretofore have done ; but said mill owners shall  
17 not, nor shall any other person or persons be permitted,  
18 either by cutting below the pipes of said corporation,  
19 or in any other way to withdraw the water, or to  
20 obstruct the water works of said corporation.

SECT. 4. Said corporation, within six months from  
2 the time they shall take any lands for the purpose of  
3 this act, shall file in the office of the registry of deeds

4 for the county wherein said lands lie, a description  
5 thereof and a statement of the purposes for which  
6 taken.

SECT. 5. Said corporation may construct an aqueduct  
2 in manner aforesaid, from said pond or body of water  
3 selected, to, into and through said city of Bangor, and  
4 secure and maintain reservoirs, may distribute the  
5 water by means of pipes throughout said city, may  
6 regulate the use of said water, and establish the prices  
7 and rents to be paid therefor ; and the said corporation  
8 may for the purposes aforesaid, carry and conduct any  
9 any aqueducts under any water course, street or high-  
10 way, railroad or other way, in such manner as not to  
11 obstruct or impede travel thereon ; and may enter  
12 upon and dig up any such road, street or way, for the  
13 purpose of laying down pipes beneath the surface  
14 thereof, and for maintaining and repairing the same,  
15 and in general to do any other acts and things neces-  
16 sary, convenient and proper to be done for the pur-  
17 poses of this act.

SECT. 6. Any person injured by the taking, using  
2 or appropriating by said company of the waters of any  
3 pond or body of water, or any land or material here-  
4 after taken or used or flowed by the erection or  
5 making of any of the works of said company to draw

6 or use said water, may have and pursue the same  
7 remedies as is provided by chapter ninety-two of the  
8 revised statutes, in the case of flowing lands and  
9 diverting water to supply mills and the mode of obtain-  
10 ing damages therefor.

SECT. 7. Said corporation shall be liable to pay all  
2 damages that shall be sustained by any persons in  
3 their property by the taking of any land or excavating  
4 through any land for the purpose of laying down  
5 pipes ; and if any person sustaining damage as afore-  
6 said and said corporation shall not mutually agree  
7 upon the sum to be paid therefor, such person may  
8 cause his damages to be ascertained in the same man-  
9 ner and under the same conditions and limitations as  
10 are by law prescribed in the case of damages by the  
11 laying out of highways.

SECT. 8. If said corporation shall not be organized  
2 and its works put into actual operation within five  
3 years, this act shall be null and void.

SECT. 9. Any person who shall corrupt the waters  
2 of any pond or body of water used by the company, or  
3 render them impure, or who shall throw or leave the  
4 carcasses of dead animals or other offensive or un-  
5 healthy matter or materials upon said body of water  
6 when frozen over, or who shall wilfully destroy or

7 injure any dam, reservoir, aqueduct, pipe, hydrant or  
8 other property held, owned or used by said corpora-  
9 tion for the purposes of this act, shall pay three times  
10 the amount of damage to said company, to be recov-  
11 ered in an action on the case ; and every such person  
12 on conviction of either of said acts aforesaid, shall be  
13 punished by fine not exceeding one hundred dollars,  
14 and by imprisonment not exceeding six months.

SECT. 10. Any three of the persons mentioned in  
2 this act may call the first meeting of said corporation  
3 in any manner they shall see fit.

SECT. 11. This act shall take effect when approved  
2 by the governor.

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
February 9, 1866. }

Read once, and on motion of Mr. GARNSEY of Bangor, laid on the table, and 350 copies ordered to be printed for the use of the House.

F. M. DREW, *Clerk.*