

MAINE STATE LEGISLATURE

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FORTY-EIGHTH LEGISLATURE.

SENATE.

No. 34.

STATE OF MAINE.

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

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 :

SECTION 1. Thomas Mason, Solomon Parsons, Henry
2 A. Wood, James Dunning, J. S. Rowe, John Lane,
3 J. W. Palmer, S. F. Hersey, W. H. Bishop, with
4 their associates and successors, are hereby made a
5 corporation by the name of the Bangor Water Com-
6 pany, for the purpose of conveying to the city of
7 Bangor a supply of pure water for domestic and
8 municipal purposes, including the extinguishment of
9 fires and the supply of shipping.

SECT. 2. Said corporation may hold real and per-
2 sonal estate necessary and convenient for the purpose

3 aforesaid, not exceeding in amount six hundred thou-
4 sand dollars.

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

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

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

4 capital stock shall be applied exclusively to the supply
5 and distribution of water for the purposes set forth in
6 this act.

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

SECT. 7. Nothing contained in this act shall be
2 construed to affect or diminish the liability of said
3 corporation for any injury to private property by de-
4preciating the value thereof or otherwise, but said cor-
5poration shall be liable therefor in an action on the
6 case.

SECT. 8. The said company are hereby authorized
2 to lay down in and through the streets of said city,
3 and to take up, replace, and repair, all such pipes,
4 aqueducts and fixtures as may be necessary for the
5 objects of their incorporation, first having obtained
6 the consent of the city council therefor, and under
7 such restrictions and regulations as said city council
8 may see fit to prescribe ; and any obstruction in any
9 street of said city, or taking up or displacement of
10 any portion of any street, without such consent of the
11 city council, or contrary to the rules and regulations
12 that may be prescribed as aforesaid, shall be con-
13 sidered a nuisance, and said company shall be liable

14 to indictment therefor, and to all the provisions of the
15 law applicable thereto, and said company shall in all
16 cases be liable to pay said city all sums of money that
17 said city may be obliged to pay on any judgment re-
18 covered against said city for damages occasioned by
19 any obstructions or taking up or displacement of any
20 street by said company whatever, with or without the
21 consent of the city council, together with council fees
22 and other expenses incurred by said city in defending
23 any suit to recover damages as aforesaid, with interest
24 on the same, to be recovered in an action, paid to the
25 use of said company.

SECT. 9. Whenever the company shall lay down any
2 pipes or aqueducts in any street, or make any altera-
3 tion or repairs upon their works in any street, they
4 shall cause the same to be done with as little obstruc-
5 tion to the public travel as may be practicable, and
6 shall at their own expense, without unnecessary delay,
7 cause all earth and pavement removed by them to be
8 replaced in proper condition. They shall not in any
9 case be allowed to obstruct or impair the use of any
10 public or private drain, or common sewer or reservoir,
11 but said company shall have the right to cross, or
12 when necessary, to change the direction of any private
13 drain in such a manner as not to obstruct or impair
14 the use thereof, being liable for any injury occasioned

15 by any such crossing or alteration to the owner thereof
16 or any other person, in an action upon the case.

SECT. 10. If said company, or any of their servants
2 or officers in effecting the objects of the company,
3 shall wilfully or negligently place or leave any obstruc-
4 tion in any of the streets of Bangor, beyond what is
5 actually necessary in constructing their works, laying
6 down, taking up and repairing their pipes and fix-
7 tures, or shall wilfully or negligently omit to repair
8 and put in proper condition any street in which the
9 earth or pavement may have been removed by them,
10 the company shall be subject to indictment therefor, in
11 the same manner that towns are subject to indictment
12 for bad roads, and shall be holden to pay such fine as
13 may be imposed therefor, which fine shall be collected,
14 applied and expended in the same manner as is pro-
15 vided in case of the indictment aforesaid against
16 towns, or may be ordered to be paid into the treasury
17 of the city. If any person shall suffer injury in his
18 person or property by reason of any such negligence,
19 wilfulness or omission, he shall be entitled to recover
20 damages of the company therefor, by action on the
21 case in any court of competent jurisdiction.

SECT. 11. Any person who shall maliciously injure
2 any of the property of said company, or who shall cor-
3 rupt the waters of said pond or any of its tributaries,

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

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

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

SECT. 14. The first meeting of said corporation may
2 be called by a notice signed by two of the corporators,

3 published five days successively before the day fixed for
4 such meeting in any newspaper published in Bangor.

SECT. 15. The city of Bangor shall have the right
2 at any time within one year from the date of approval
3 of this act, to take, exercise and control all the prop-
4 erty, rights, powers and privileges of said corporation,
5 on paying to said corporation the amount of money
6 actually paid in and expended under the provisions of
7 this act; and in case said city and said corporation
8 shall not agree upon the sum to be paid therefor, the
9 supreme judicial court, at any term thereof holden in
10 the county of Penobscot, upon application of said city,
11 shall appoint three commissioners, whose duty it shall
12 be to hear the parties and determine what amount has
13 been expended under the provisions of this act, the
14 report of whom, or the major part of them, when made
15 and accepted by the court, shall be final; and upon
16 payment of that sum, the franchise of said corporation,
17 with all the property, rights, powers and privileges,
18 shall vest in and belong to said city of Bangor.

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

STATE OF MAINE.

IN SENATE, February 19, 1869.

Reported by Mr. WEST, from the Committee on Interior Waters,
and on motion of the same Senator, laid on the table and ordered
to be printed.

THOMAS P. CLEAVES, *Secretary.*