

# MAINE STATE LEGISLATURE

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NEW DRAFT.

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# Sixty-Sixth Legislature.

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HOUSE.

No. 278.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED  
AND NINETY-THREE.

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AN ACT to Supply the People of South Gardiner Village,  
in the City of Gardiner with Pure Water.

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

SECTION 1. Sherburn Lawrence, Hiram Lawrence,  
2 Greenleaf Lawrence, Charles Lawrence and Van R. Beedle,  
3 with their associates and successors are hereby made a  
4 corporation by the name of South Gardiner Water Com-  
5 pany for the purpose of conveying to and supplying pure  
6 water in the present limits of ward six in the city of Gar-  
7 diner.

SECT. 2. Said corporation, for said purposes, may hold  
2 real and personal estate necessary and convenient therefor,  
3 not exceeding sixty thousand dollars.

SECT. 3. Said corporation is hereby authorized, for  
2 the purposes aforesaid, to take and use the water of the  
3 Kennebec River, and is also authorized to lay down and  
4 maintain pipes and aqueducts necessary for the proper  
5 accumulating, conducting, discharging, distributing and  
6 disposing of water, and forming proper reservoirs thereof;  
7 and said corporation may take and hold by purchase or  
8 otherwise, any lands or real estate necessary therefor,  
9 and may excavate through any lands, when necessary for  
10 the purposes of this incorporation.

SECT. 4. The said company shall have the right to take  
2 water from the Cobbossee Contee river only through the  
3 mains of the Maine Water Company. In that event the  
4 said South Gardiner Water Company shall have the right  
5 to lay, construct and maintain a sufficient main along the  
6 river road from South Gardiner, to and through Water  
7 street to connect with the existing eight-inch main of  
8 the said Maine Water Company. If said corporations  
9 fail to agree upon the price and terms for the  
10 supply of water so to be furnished, upon application of  
11 either party, after notice and hearing, the chief justice of  
12 the supreme judicial court may fix the said price and  
13 terms, and his award shall be binding upon the parties,  
14 and the said Maine Water Company shall thereafter fur-  
15 nish such supply of water in accordance with these pro-

16 visions. The compensation therefor shall be a first lien  
17 on the plant and franchise of said South Gardiner Water  
18 Company and take precedence of any mortgage thereon.  
19 Water so furnished shall not be used for motors. The  
20 said South Gardiner Water Company shall not supply  
21 water to any takers or for any purposes, outside of the  
22 present limits of ward six in said city. The right to lay  
23 the main aforesaid on said river road north of the Rolling  
24 Dam Brook shall expire if not exercised within five years  
25 from the approval of this act.

SECT. 5. Said corporation shall be held liable to pay  
2 all damages that shall be sustained by any persons by the  
3 taking of any land or other property, or by flowage, or  
4 by excavating through any land for the purpose of laying  
5 down pipes and aqueducts, building dams and reservoirs,  
6 and also damages for any other injuries resulting from  
7 said acts; and if any person sustaining damage as afore-  
8 said, and said corporation, cannot mutually agree upon  
9 the sum to be paid therefor, such person may cause his  
10 damages to be ascertained in the same manner and under  
11 the same conditions, restrictions and limitations as are  
12 by law prescribed in the case of damages by the laying  
13 out of railroads.

SECT. 6. The capital stock of said corporation shall be  
2 forty thousand dollars, which may be increased to sixty  
3 thousand dollars by a vote of said corporation, and said  
4 stock shall be divided into shares of one hundred dollars  
5 each.

SECT. 7. Said corporation is hereby authorized to lay  
2 down, in and through the streets and ways in ward six  
3 in said city, and to take up, replace and repair all such  
4 pipes, aqueducts and fixtures as may be necessary for the  
5 purposes of their incorporation, under such reasonable  
6 restrictions as may be imposed by the municipal officers  
7 of said city. And said corporation shall be responsible  
8 for all damages to persons and property occasioned by  
9 the use of such streets and ways, and shall further be  
10 liable to pay to said city all sums recovered against said  
11 city for damages from obstructions caused by said cor-  
12 poration, and for all expenses, including reasonable coun-  
13 cil fees, incurred in defending such suits, with interest  
14 on the same.

SECT. 8. Said corporation is hereby authorized to make  
2 contracts with said city of Gardiner and with other corpo-  
3 rations and individuals, for the purposes of supplying  
4 water as contemplated by said act; and said city of Gard-  
5 iner, by its municipal officers, is hereby authorized to  
6 enter into contract with said company for a supply of  
7 water, and for such exemption from public burden as  
8 said city and said company may agree upon, which, when  
9 made, shall be legal and binding upon all parties thereto.

SECT. 9. Said corporation shall have power to cross  
2 any public or private sewer, or to change the direction  
3 thereof, when necessary for the purposes of their incorpo-  
4 ration, but in such manner as not to obstruct or impair  
5 the use thereof; and said corporation shall be liable for

6 any injury caused thereby ; whenever the company shall  
7 lay down any pipes in any street, or make any altera-  
8 tions or repairs upon its works in any street, it shall  
9 cause the same to be done with as little obstruction to  
10 public travel as may be practicable, and shall at its own  
11 expense, without necessary delay, cause the earth and  
12 pavements removed by it to be replaced in proper con-  
13 dition.

SECT. 10. Any person who shall wilfully injure any of  
2 the property of said corporation, or who shall wilfully de-  
3 stroy any aqueduct, pipe, hydrant or other property held  
4 or owned by said corporation for the purposes of this act,  
5 shall be punished by a fine not exceeding one thousand  
6 dollars, or by imprisonment not less than one year, and  
7 shall be liable to said corporation for three times the actual  
8 damage, to be recovered in any proper action.

SECT. 11. Said corporation may issue its bonds for the  
2 construction of its works, upon such rates and times as it  
3 may deem expedient, not exceeding fifty thousand dollars,  
4 and secure the same by mortgage of the franchise and  
5 property of said company.

SECT. 12. In case the works of this corporation shall  
2 not have been put into actual operation within two years  
3 from the date of the approval of this act, the rights and  
4 privileges herein granted shall be null and void.

SECT. 13. The first meeting of said corporation may  
2 be called by a written notice thereof, signed by any one  
3 of the corporators herein named, served upon each cor-

4 porator by giving him the same in hand, or by leaving the  
5 same at his last usual place of abode seven days before the  
6 time of meeting.

SECT. 14. This act shall take effect when approved.





STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
March 8, 1893.

Reported by Mr. MATHEWS of Berwick, from Committee on Legal  
Affairs, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*