

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

---

---

# Seventieth Legislature.

---

---

HOUSE.

No. 402

---

---

## STATE OF MAINE.

---

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

---

AN ACT to supply the people of South Gardiner Village, in  
the city of Gardiner, with pure water.

---

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

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

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 the  
2 purposes aforesaid, to take and use the water of the Ken-

3 nebec river, and is also authorized to lay down and main-  
4 tain pipes and aqueducts necessary for the proper accumu-  
5 lating, conducting, discharging, distributing and disposing  
6 of water, and forming proper reservoirs thereof, and said  
7 corporation may take and hold by purchase or otherwise,  
8 any lands or real estate necessary therefor, and may exca-  
9 vate through any lands, when necessary for the purposes  
10 of this incorporation.

Sect. 4. The said company shall have the right to take  
2 the water from the Cobbosseecontee 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 said  
8 Maine Water Company. If said corporations fail to agree  
9 upon the price and terms for the supply of water so to be  
10 furnished, upon application of either party, after notice  
11 and hearing, the chief justice of the supreme judicial  
12 court may fix the said price and terms, and his award shall  
13 be binding upon the parties, and the said Maine Water  
14 Company shall thereafter furnish such supply of water in  
15 accordance with these provisions.

The compensation therefor shall be a first lien on the  
17 plant and franchise of said South Gardiner Water Com-  
18 pany 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 all  
2 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 by  
12 law prescribed in the case of damages by the laying out of  
13 railroads.

Sect. 6. The capital stock of said corporation shall  
2 be 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 in  
3 said city, and to take up, replace and repair all such pipes,  
4 aqueducts and fixtures as may be necessary for the pur-  
5 poses of their incorporation under such reasonable restric-  
6 tions as may be imposed by the municipal officers of said  
7 city. And said corporation shall be responsible for all  
8 damages to persons and property occasioned by the use of  
9 such streets and ways, and shall further be liable to pay  
10 to said city all sums recovered against said city for dam-  
11 ages from obstructions caused by said corporation, and for

12 all expenses, including reasonable counsel fees, incurred  
13 in defending such suits, with interest on the same.

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

Sect. 9. Said corporation shall have power to cross  
2 any private or public sewer, or to change the direction  
3 thereof, when necessary for the purposes of their incorpora-  
4 tion, but in such manner as not to obstruct or impair the  
5 use thereof; and said corporation shall be liable for any  
6 injury caused thereby; whenever the company shall lay  
7 down any pipes in any street, or make any alterations or  
8 repairs upon its works in any street, it shall cause the  
9 same to be done with as little obstruction to public travel  
10 as may be practicable, and shall at its own expense, with-  
11 out unnecessary delay, cause the earth and pavements  
12 removed by it to be replaced in proper condition.

Sect. 10. Any person who shall willfully injure any of  
2 the property of said corporation, or who shall willfully  
3 destroy any aqueduct, pipe, hydrant or other property  
4 held or owned by said corporation for the purposes of this  
5 act, shall be punished by a fine not exceeding one thousand  
6 dollars or by imprisonment not less than one year, and  
7 and shall be liable to said corporation for three times the  
3 actual 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 time 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 be  
2 called by a written notice thereof, signed by any one of  
3 the incorporators herein named, served upon each corpor-  
4 ator 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. If the Maine Water Company shall give  
2 written notice to any one of the incorporators herein  
3 named, on or before the first day of May, 1901, of the  
4 intention of said Maine Water Company to extend their  
5 water system to and through said village of South Gardi-  
6 ner, as provided in this act, and to complete the same on  
7 or before the first day of November, 1901, then this act  
8 shall be void and inoperative.

Sect. 15. This act shall take effect when approved.







STATE OF MAINE.

---

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 13, 1901.

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

W. S. COTTON, *Clerk.*