

# MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

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SENATE

NO. 220

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*In Senate, Feb. 5, 1913.*

*Presented by Senator Dutton of Kennebec and on motion by same Senator laid on the table for printing, pending reference to a committee.*

*W. E. LAWRY, Secretary.*

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STATE OF MAINE

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

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AN ACT to incorporate the Winthrop Water District.

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*Be it enacted by the People of the State of Maine, as follows:*

Section 1. The following territory and the people within  
2 the same, namely that part of the town of Winthrop in the  
3 County of Kennebec, beginning on the westerly shore of  
4 Lake Annabessacook, at the southerly corner of pasture land  
5 of Eliza Stanley and Allura Stanley; thence running west-  
6 erly along the southerly line of land of said Stanleys to  
7 Western Avenue, so called; thence across said Western  
8 Avenue to other land of said Stanleys; thence running along  
9 the southerly and westerly lines of land of the said Stanleys,  
10 along the westerly line of land of James Smith, the westerly

11 line of land formerly of the late Levi Jones and the westerly  
12 line of land formerly of the late A. P. Snow, now of George  
13 Parsons, to High Street; thence running northerly across  
14 said High Street along the easterly line of land of John H.  
15 McIlroy, formerly of William N. White to land of E. W.  
16 Wentworth; thence along the south, west and north lines of  
17 land of said Wentworth to the Readfield Corner Road, so  
18 called; thence across said Readfield Road and running  
19 southerly along its westerly line to land of E. W. Moody;  
20 thence easterly along the southerly line of land of said  
21 Moody to Lake Maranacook; thence running southerly,  
22 easterly and northerly along the shore of said lake to the  
23 fence upon land of Luella F. Beale, near the car barn, so  
24 called; thence running easterly along the south line of lands  
25 of said Beale, of Alec Bissonnette, of J. G. Yeaton, of R.  
26 R. Richardson and heirs of the late K. R. Linnell to the "Old  
27 Stage Road" so called; thence across said road along its  
28 easterly side to land of R. L. and J. F. Hinds, Trustees;  
29 thence running easterly, southerly and westerly along the  
30 northerly, easterly and southerly lines of land of the said  
31 Hinds to the Augusta road, so called; thence along the  
32 northerly side of said Augusta road running in a westerly  
33 direction to a point opposite the northerly corner of land of  
34 William C. Hinds, formerly of the late Calvin Bragdon;  
35 thence running southerly and easterly along the easterly and  
36 southerly lines of land of said Hinds to the Narrows pond,  
37 so called; thence running southerly along the westerly shore

38 of said Narrows pond to land of Ruth Woodman; thence  
39 running westerly along the northerly line of lands of said  
40 Woodman, of A. V. Towns to Highland Avenue, so called;  
41 thence running westerly across said Avenue and along the  
42 northerly line of land of said Towns to Lake Annabessa-  
43 cook; thence running northerly, westerly and southerly  
44 along the shore of said Lake Annabessacook to the point  
45 begun at, for the purpose of supplying the inhabitants of  
46 said district and also any other portion of said town of Win-  
47 throp with pure water for domestic, sanitary, commercial  
48 and municipal purposes.

Sect. 2. The said district, for the purpose of its incorpo-  
2 ration, is hereby authorized to take, hold, divert, use and  
3 distribute water from Narrows Pond, so called, in said Win-  
4 throp and from Lake Maranacook in the towns of Winthrop  
5 and Readfield, either or both, and from any surface or un-  
6 derground brooks, and springs in said Winthrop.

Sect. 3. The said district, for the purpose of its incorpo-  
2 ration, is hereby authorized to take and hold, as for public  
3 uses, by purchase or otherwise, any land or interest therein  
4 or water rights necessary for erecting and maintaining dams,  
5 for flowage, for power for pumping its water supply through  
6 its mains, for reservoirs, for preserving the purity of the  
7 water and water shed, for laying and maintaining aqueducts  
8 and other structures for taking, distributing, discharging  
9 and disposing of water and for rights of way or roadways

10 to its sources of supply, dams, power stations, reservoirs,  
11 mains, aqueducts, structures and lands.

Sect. 4. The said district is hereby authorized to lay in  
2 and through the streets, roads, ways and highways of the  
3 said town of Winthrop and across private lands therein, and  
4 to maintain, repair and replace all such pipes, aqueducts  
5 and fixtures as may be necessary and convenient for its cor-  
6 porate purposes, and whenever said district shall lay any  
7 pipes or aqueducts in any street, roadway or highway it  
8 shall cause the same to be done with as little obstruction as  
9 practicable to the public travel, and shall at its own expense,  
10 without unnecessary delay, cause the earth and pavement  
11 removed by it to be replaced in proper condition.

Sect. 5. The said district is hereby authorized, for the  
2 purposes of its incorporation, to erect and maintain all dams,  
3 reservoirs and structures necessary and convenient for its  
4 corporate purposes.

Sect. 6. In exercising any right of eminent domain con-  
2 ferred upon it by law, from time to time, or any right of  
3 eminent domain through or under the franchise of the water  
4 companies by it acquired, the said district shall file in the  
5 office of the county commissioners of the county where such  
6 lands or water rights are situated and record in the regis-  
7 try of deeds in said county, plans of the location of all lands  
8 or interest therein or water rights, to be taken, with an  
9 appropriate description and the name of the owners thereof,  
10 if known. When for any reason the district fails to ac-

11 quire the property authorized to be taken, and which is de-  
12 scribed in such location, or the location recorded is defec-  
13 tive or uncertain, it may, at any time, correct and perfect  
14 such location and file a new description thereof, and in such  
15 case the district is liable in damages only for property for  
16 which the owner had not previously been paid, to be as-  
17 sessed as of the time of the original taking, and the district  
18 shall not be liable for any acts which would have been jus-  
19 tified if the original taking had been lawful. No entry shall  
20 be made on any private lands, except to make surveys, until  
21 ten days shall have elapsed after the date of such filing,  
22 whereon possession may be had of all said lands or inter-  
23 ests therein or water rights so taken, but title thereto shall  
24 not vest in said district until payment therefor.

Sect. 7. If any person sustaining damages by any taking  
2 as aforesaid, shall not agree with said district upon the sum  
3 to be paid therefor, either party, upon petition to the county  
4 commissioners of the county where said lands or water  
5 rights are situated, may have said damages assessed by them;  
6 the procedure and all subsequent proceedings and rights of  
7 appeal thereon shall be had under the same restriction, con-  
8 ditions and limitations as are or may be by law prescribed  
9 in the case of damages by the laying out of highways.

Sect. 8. In case of any crossing of a railroad, unless con-  
2 sent is given by the company owning or operating such rail-  
3 road as to place, manner and conditions of the crossing,  
4 within thirty days after such consent is requested by said

5 district, the railroad commissioners, or in case that at that  
6 time there is no board of railroad commissioners, then such  
7 officials as by law succeed to the general duties now exer-  
8 cised by said railroad commissioners, shall determine the  
9 place, manner and condition of such crossing; and all work  
10 within the limits of such railroad location shall be done  
11 under the supervision and to the reasonable satisfaction of  
12 such railroad company, but at the expense of the district.

Sect. 9. All the affairs of said water district shall be man-  
2 aged by a board of trustees composed of three members,  
3 all of whom shall be residents of said district. They shall  
4 be appointed by the municipal officers of the town of Win-  
5 throp. As soon as convenient after the members of said  
6 board have been so chosen, said trustees shall hold a meet-  
7 ing and organize by the election of a president and clerk,  
8 adopt a corporate seal and when in their judgment neces-  
9 sary, may choose a treasurer and all other needful officers  
10 and agents for the proper conduct and management of the  
11 affairs of said district. At said first meeting they shall de-  
12 termine by lot the term of office of each trustee so that one  
13 shall serve for one year, one for two years and one for three  
14 years, and whenever the term of office of a trustee expires  
15 his successor shall be appointed by the municipal officers of  
16 said town of Winthrop to serve for the full term of three  
17 years, and in case any other vacancy arises it shall be filled  
18 in like manner for the unexpired term. All such trustees  
19 shall be eligible to re-appointment, but no selectman of

20 said town of Winthrop shall at any time be eligible to such  
21 office; said trustees may also ordain and establish such by-  
22 laws as are necessary for their own convenience and the  
23 proper management of the affairs of the district. The term  
24 of office of said trustees first chosen shall be considered to  
25 date from the first Monday of April in the year one thou-  
26 sand nine hundred and thirteen; said trustees may procure  
27 an office and incur such expenses as may be necessary. Each  
28 member shall receive in full compensation for his services an  
29 allowance of one hundred dollars per annum, or such other  
30 less sum as the said water district at any legal meeting may  
31 prescribe. At the close of each fiscal year the trustees shall  
32 make a detailed report of their doings, of the receipts and  
33 expenditures of said water district, of its financial and phy-  
34 sical condition, and of such other matters and things per-  
35 taining to said district as shall show the inhabitants of said  
36 district how said trustees are fulfilling the duties and obli-  
37 gations of their trust, such reports to be made and filed with  
38 the municipal officers of the town of Winthrop.

Sect. 10. Said water district is hereby authorized and  
2 empowered to acquire by purchase or by the exercise of the  
3 right of eminent domain, which right is hereby expressly  
4 delegated to said district for said purpose, the entire plants,  
5 properties, franchises, rights and privileges of the Hillside  
6 Water Company and also of the Winthrop Water and Drain-  
7 age Company, except their cash assets, and also the entire  
8 plant, franchises, rights and privileges of Charles H. Gale,

9 so far as the same pertain to his water system and plant in  
10 Winthrop Village, including all lands, waters, water rights,  
11 dams, structures, reservoirs, pipes, machinery, fixtures, hy-  
12 drants, tools and all apparatus and appliances owned by said  
13 water companies and by said Gale and used or usable in  
14 supplying water in the town of Winthrop, together with all  
15 real estate so used or usable. Said Water companies are  
16 hereby authorized to sell and transfer their respective fran-  
17 chises and properties to said water district. Said water  
18 district is authorized to construct, install, operate and main-  
19 tain, in connection with its said water system, a sewerage  
20 system and plant with all its appurtenances thereto, through-  
21 out its entire territory and the discharge from the pipes and  
22 conduits thereof may be into the waters below the mill  
23 stream, so called.

Sect. 11. In case the said trustees fail to agree with the  
2 aforesaid companies, to wit: the said Hillside Water Com-  
3 pany and the Winthrop Water and Drainage Company and  
4 the said Charles H. Gale, any or all of them, upon terms  
5 of purchase, on or before September fifteenth, nineteen hun-  
6 dred and thirteen, then said water district, through its trus-  
7 tees, is hereby authorized to take the plants, properties and  
8 franchises of the aforesaid companies and of the said Gale,  
9 as authorized in section ten as for public uses, by petition  
10 therefor in the manner as provided hereinafter wherein such  
11 companies and the said Gale shall be the parties defendant.  
12 And said water district, through its trustee, is hereby au-

13 thorized on or before November fifteenth, nineteen hundred  
14 and thirteen, to file a petition in the clerk's office of the su-  
15 preme judicial court for the county of Kennebec, in term  
16 time or in vacation, addressed to any justice thereof, who,  
17 after notice to said defendant companies and the said Gale  
18 and their mortgagees, if any there may be, shall, after hear-  
19 ing and within thirty days after the filing of said petition  
20 appoint three disinterested appraisers, none of whom shall  
21 be residents of the county of Kennebec, one at least of whom  
22 shall be learned in the law, for the purpose of fixing the val-  
23 uation of the plants, franchises, and properties of said de-  
24 fendant companies and of said Gale as described in section  
25 ten. Said petition shall not be dismissed after filing but  
26 may be and shall be amended in any manner to enable the  
27 court to make all necessary decrees thereon. At the hear-  
28 ing aforesaid, such justice, upon motion of the petitioner,  
29 may order the production and filing in court, for the inspec-  
30 tion of the petitioner, of all books and papers pertinent to  
31 the issue to be heard by said appraisers, the terms and con-  
32 ditions of so producing and filing such books and papers to  
33 be determined by said justice in his order therefor and to be  
34 enforced from time to time as any justice of said supreme  
35 judicial court, in term time or in vacation, upon motion of  
36 any party to said cause, may deem reasonable and proper in  
37 the premises. At such hearing, such justice, upon motion  
38 of the petitioner, may fix a time at which the said defendant  
39 companies and the said Gale shall file in the clerk's office of

40 the supreme judicial court for the county of Kennebec, for  
41 the inspection of the petitioner, the following: First,  
42 schedules showing the names, residence and water service of  
43 each customer on September fifteenth, nineteen hundred and  
44 thirteen, with the rate charged therefor; second, copies of  
45 all contracts in force on said September fifteenth; third, an  
46 itemized statement of the gross income earned during its last  
47 fiscal year and all operating expenses and fixed charges paid  
48 or incurred during such year and properly chargeable there-  
49 to; fourth, a memorandum of all real estate, or interest  
50 therein, owned or controlled on said September fifteenth,  
51 with such brief description thereof, as will reasonably iden-  
52 tify the same; fifth, a memorandum of all water rights used  
53 or owned on said September fifteenth with a brief descrip-  
54 tion thereof and a concise statement of the method of ac-  
55 quiring the same; sixth, a description of all buildings and  
56 structures owned in whole or in part on said September fif-  
57 teenth which are a part of the plants of said defendants;  
58 seventh, descriptions of all reservoirs owned on said Sep-  
59 tember fifteenth; eighth, a description of all pipes, service  
60 pipes, hydrants, gates, gate boxes, shut-off boxes, fixtures  
61 and machinery, and all the physical elements in such water  
62 system, giving in detail all quantities, sizes and lengths and  
63 specifying the streets, roads or ways where situated; ninth,  
64 an itemized list of tools, appliances and apparatus used or  
65 usable in supplying water on said September fifteenth. Such  
66 orders may be enforced from time to time by any justice of

67 said supreme judicial court in term time or in vacation, upon  
68 motion of either party, as such justice may deem reasonable  
69 and proper in the premises. At such hearing the justice  
70 then sitting may, upon motion of the petitioner, make all  
71 such decrees as he deems reasonable and proper to enable  
72 the petitioner, through its servants and employees, to ascer-  
73 tain the condition of the mains and pipes of the said defend-  
74 ants named in section ten, externally and internally, all work  
75 connected therewith to be in the presence of the agents of  
76 the said defendants, but wholly at the expense of said water  
77 district, said decree to fix the number of such examinations  
78 and to impose such conditions as may to the court seem just  
79 and proper in the premises. The said appraisers shall have  
80 the power of compelling attendance of witnesses and the  
81 production of books and papers pertinent to the issue and  
82 may administer oaths; and any witness or person in charge  
83 of such books or papers refusing to attend or to produce the  
84 same shall be subject to the same penalties and proceedings,  
85 so far as applicable, as witnesses summoned to attend the  
86 supreme judicial court. Depositions may be taken as in  
87 civil actions. The said appraisers may appoint a sufficient  
88 number of stenographers to enable a full report of the pro-  
89 ceedings of each day to be in readiness for use the following  
90 day, each of said appraisers to so have one copy thereof,  
91 and the parties to receive such number of copies as the ap-  
92 praisers may deem necessary. The compensation and ex-  
93 penses of said stenographers shall be taxed and allowed by

94 the appraisers and be paid and borne as hereinafter pro-  
95 vided. Their reports, certified by said appraisers as cor-  
96 rect, shall be filed with the award to be made by said ap-  
97 praisers and shall be legal evidence of all proceedings so  
98 reported. They shall make full report as required in trials  
99 had in the supreme judicial court. The appraisers so ap-  
100 pointed shall, after due notice and hearing, fix the valua-  
101 tion of the plants, properties and franchises of said defend-  
102 ant companies and of said Gale at what they are fairly and  
103 equitably worth, so that said defendant companies and the  
104 said Charles H. Gale shall receive just compensation for  
105 the same. The fifteenth day of November, nineteen hun-  
106 dred and thirteen, shall be the date as of which the valua-  
107 tion aforesaid shall be fixed, from which date interest on  
108 said award at the rate of six per centum per annum shall  
109 run and all net rents and profits accruing thereafter shall  
110 belong to said water district. The report of said apprais-  
111 ers or of a majority of them shall be filed in said clerk's  
112 office within six months after their appointment, but, if at  
113 the expiration of said six months the hearing before said  
114 appraisers should then be in progress and unfinished, their  
115 report may be so filed within thirty days after the close of  
116 said hearing. After said report is filed, such single jus-  
117 tice, so appointing said appraisers, or in case of his inabi-  
118 lity to act, then any justice designated for the purpose by  
119 the chief justice, may, after notice and hearing, confirm  
120 or reject the same or recommit, if justice so requires, and

121 in case of such rejection or recommittal such justice may  
122 fix the times for new hearings and new report thereon.  
123 The award of the appraisers shall be conclusive as to val-  
124 uations. Upon confirmation of their report, the court so  
125 sitting, in term time or in vacation, shall thereupon, after  
126 hearing, make final decree upon the whole matter, including  
127 the transfer of the properties and franchises, jurisdiction  
128 over which is hereby conferred with the same power to  
129 enforce said decree as in equity cases. All the costs and  
130 expenses arising under said petition and appraisal shall be  
131 paid and borne as directed by the court in said final decree.  
132 The findings of such justice as to such costs and expenses  
133 and their apportionment shall be final. In all other mat-  
134 ters the justice so making such final decree, shall, upon  
135 request of any of the parties, make separate findings of  
136 law and fact. All such findings of fact shall be final, but  
137 any party aggrieved may take exceptions to any rulings  
138 of law so made, the same to be accompanied by only such  
139 parts of the case as are necessary to a clear understanding  
140 of the questions raised thereby. Such exceptions shall be  
141 claimed on the docket within ten days after such final de-  
142 cree is signed, entered and filed, and notice thereof has  
143 been given by the clerk to the parties or their counsel, and  
144 said exceptions so claimed shall be made up, allowed and  
145 filed within said time unless further time is granted by the  
146 court or by agreement of the parties. They shall be en-  
147 tered at the next term of the law court to be held after the

148 filing of such exceptions and there heard unless otherwise  
149 agreed, or the law court shall for good cause order a fur-  
150 ther time for hearing thereon. Upon such hearing the law  
151 court may confirm, reverse or modify the decree of the  
152 court below or remand the cause for further proceedings,  
153 as it seems proper. During the pendency of such excep-  
154 tions the cause shall remain on the docket of the court be-  
155 low, marked "law" and decree shall be entered thereon by  
156 a single justice, in term time or in vacation, in accordance  
157 with the certificate and opinion of the law court. Before  
158 the aforesaid plants, properties and franchises are trans-  
159 ferred in accordance with such final decree, and before the  
160 payment therefor, the court sitting in said county of Ken-  
161 nebec, by a single justice thereof, as hereinbefore provided,  
162 shall, upon motion of any party, after notice and hearing,  
163 take account of all receipts and expenditures properly had  
164 and incurred by said water companies and by said Gale be-  
165 longing to the period from and after November fifteenth,  
166 nineteen hundred and thirteen, and all net rents and profits  
167 accruing thereafter, and shall order the net balance due to  
168 any party to be added or deducted from the amount to be  
169 paid under such final decree, as the case may be. All find-  
170 ings of law or fact by such single justice at such hearings  
171 shall be final. The amount to be paid for the plant of each  
172 of the aforesaid water companies and of said Gale shall be  
173 paid to the trustee of the mortgage of each respective com-  
174 pany, if any there may be. On payment or tender by its

175 certified check drawn upon a reliable trust company or na-  
176 tional bank by said water district the amount so fixed and  
177 the performance of all other terms and conditions so im-  
178 posed by the court, the entire plants, properties and fran-  
179 chises of said defendant companies and of said Gale as  
180 described in section ten shall become vested in said water  
181 district. After the filing of said petition it shall not be dis-  
182 continued or withdrawn by said water district, and the said  
183 water companies may thereafterwards cause said valuation  
184 to be made as herein provided, and shall be entitled to ap-  
185 propriate process to compel said water district to perform  
186 the terms of the final decree and to pay for said plants,  
187 properties and franchises in accordance therewith. If a  
188 vacancy occurs at any time in said board of appraisers,  
189 from any cause, any justice of the supreme judicial court,  
190 sitting in said county of Kennebec, may, in term time or in  
191 vacation, after notice and hearing, appoint a new appraiser  
192 or appraisers and make all such orders for hearing said  
193 cause by the appraisers anew or for any extension of time  
194 for making their award, or otherwise, as the circumstances  
195 of the case may require.

Sect. 12. All valid contracts, made in good faith, existing  
2 on the fifth day of February, nineteen hundred and thirteen,  
3 between said defendant companies and said Gale and any  
4 person or corporation for supplying water within the said  
5 town of Winthrop shall be assumed and carried out by said  
6 water district.

Sect. 13. For accomplishing the purposes of this act, said  
2 water district, through its trustees, is authorized to borrow  
3 money temporarily and to issue therefor the interest-bearing  
4 negotiable notes of the district, and for the purpose of pay-  
5 ing or refunding the indebtedness so created, of paying any  
6 necessary expenses or liabilities, incurred under the pro-  
7 visions of this act, including the expenses incurred in the  
8 creation of the district, in acquiring the plants, properties  
9 and franchises of said Hillside Water Company, of the Win-  
10 throp Water and Drainage Company and of said Charles H.  
11 Gale, by purchase or otherwise, or in the purchase or ac-  
12 quisition of the properties and franchises of said defendant  
13 companies and of said Gale, of securing sources of supply,  
14 taking water and lands, paying damages, laying pipes, con-  
15 structing, maintaining and operating a water plant, and mak-  
16 ing renewals, extensions, additions and improvements to  
17 the same, the said water district, through its trustees, may  
18 from time to time issue bonds of the district to an amount  
19 or amounts necessary in the judgment of the trustees afore-  
20 said. Said notes and bonds shall be legal obligations of the  
21 water district, which is hereby declared to be a quasi mu-  
22 nicipal corporation within the meaning of section ninety-six,  
23 chapter forty-seven of the revised statutes, and all the pro-  
24 visions of said section shall be applicable thereto. The said  
25 notes and bonds shall be legal investments for savings banks.

Sect. 14. The property of said district shall be exempt  
2 from all taxation in the town of Winthrop and in any other

3 towns where any part of its plant may be located.

Sect. 15. All individuals, firms and corporations, whether  
2 private, public or municipal, shall pay to the treasurer of  
3 said district the rates established by said board of trustees  
4 for the water used by them, and said rates shall be uniform  
5 within the territory supplied by the district. Said rates shall  
6 be so established as to provide revenue for the following  
7 purposes:

I. To pay the current expenses for operating and main-  
9 taining the water system.

II. To provide for the payment of the interest on the in-  
11 debtedness created by the district.

III. To provide each year a sum equal to not less than  
13 one-half of one per centum nor more than five percentum  
14 of the entire indebtedness created by the district, which sum  
15 shall be turned into a sinking fund and there kept to pro-  
16 vide for the extinguishment of said indebtedness. The  
17 money set aside for the sinking fund shall be devoted to the  
18 retirement of the obligations of the district or invested in  
19 such securities as savings banks are allowed to hold.

IV. If in any year there remain a surplus at the end of  
21 the year, the amount of such surplus shall be deducted from  
22 the hydrant rental paid to the district by the town of Win-  
23 throp, and if in any year there be a deficit, the water district  
24 may raise by assessment such sum of money as may be nec-  
25 essary and sufficient to liquidate such deficit, but this sub-  
26 section is not to be construed as negating the effect of sub-

27 section III hereof. Any money raised by said water dis-  
28 trict for the purposes aforesaid, shall be assessed upon the  
29 property and polls within the aforesaid territory constitut-  
30 ing said water district, by the trustees of said district, in the  
31 same manner as is provided by law for the assessment of  
32 county and town taxes; and said trustees may copy the last  
33 valuation of said property by the assessors of the town of  
34 Winthrop, and assess the taxes thereon if said water dis-  
35 trict so direct, and may abate any tax by them so assessed,  
36 and the tax on polls shall not exceed, at any one assessment,  
37 the sum of one dollar to any one person in any one year.

Sect. 16. All incidental powers, rights and privileges nec-  
2 essary to the accomplishment of the main object herein set  
3 forth are granted to the public municipal corporation here-  
4 by created.

Sect. 17. This act shall take effect when approved by a  
2 majority vote of the legal voters of the town of Winthrop  
3 voting by ballot at an election to be specially called and held  
4 for the purpose on the fourth Saturday of August, nine-  
5 teen hundred and thirteen, unless said town of Winthrop  
6 is authorized by a special act of the legislature at its present  
7 session to install in similar manner a system of water works  
8 in said Winthrop and the same is accepted by the voters of  
9 said town of Winthrop, in which event this act shall become  
10 null and void, nothing hereinbefore or hereinafter to the con-  
11 trary notwithstanding. Such election shall be called, warned  
12 and conducted according to the law relating to municipal

13 elections in said town, provided, however, that the select-  
14 men of said town shall not be required to prepare for post-  
15 ing or the town clerk to post a new list of voters, and for  
16 the purpose of registration of voters said selectmen shall  
17 be in session the secular day next preceding such special  
18 election. The town clerk shall reduce the subject matter of  
19 this act to the following question "Shall the act to incorpo-  
20 rate the Winthrop Water District be accepted?" and the  
21 voters shall indicate by a cross placed upon their ballots over  
22 the words "Yes" or "No" their opinion of the same. The  
23 result shall be declared by the selectmen and due certificate  
24 thereof filed by the town clerk with the secretary of state.  
25 In case this act is not approved by a majority vote of the  
26 legal voters of said Winthrop Water District at its first  
27 meeting on said fourth Saturday of August, nineteen hun-  
28 dred and thirteen, it may be approved at any subsequent  
29 meeting of the legal voters of said district held not later  
30 than the first Saturday of October, nineteen hundred and  
31 thirteen, by a majority vote of said voters, said subsequent  
32 meeting or meetings to be called, advertised and conducted  
33 in the same manner as the meeting held on the fourth Sat-  
34 urday of August, nineteen hundred and thirteen, provided,  
35 however, that any meeting or meetings held subsequent to  
36 said fourth Saturday of August shall be called only by the  
37 selectmen of said Winthrop upon petition therefor signed  
38 by at least twenty legal voters of said district.

Sect. 18. Sections two, three, four, five, six, seven and

2 eight of this act shall be inoperative, null and void unless  
3 the said water district shall acquire by purchase or shall first  
4 file in the office of the clerk of the Supreme Judicial Court  
5 for the County of Kennebec the petition mentioned in sec-  
6 tion eleven hereof for the exercise of the right of eminent  
7 domain, as in this act provided, with a bona fide intent to  
8 acquire the plants, properties and franchises of said Hill-  
9 side Water Company, of said Winthrop Water and Drain-  
10 age Company and of said Charles H. Gale.

Sect. 19. Subject to the conditions, limitations and ex-  
2 ceptions hereinbefore provided, this act shall take effect  
3 in ninety days after the final adjournment of the legislature  
4 so far as necessary to empower the calling and holding of the  
5 elections authorized in section seventeen herein provided  
6 for.