

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1876.

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1876.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1876.

mode and manner as is provided in said act entitled "an act for supplying the city of Bangor with water;" but in estimating said damages, all benefits to said mills, dams and other real property in said Veazie, either by way of navigation or otherwise; and all other advantages arising from the construction of any dam below said mills, dams, and other real property in Veazie, by reason of raising a head of water, or otherwise, shall be considered and allowed in offset; and all acts and parts of acts relating to the Penobscot Mill Dam Company, and the Bangor Water Power Company, and the act for supplying the city of Bangor with water, as aforesaid, are modified, changed and altered, so as to confer no authority to flow said mills, dams and other real property in Veazie, without the payment of damages, and subject to the offset as is herein provided in this act; and this act shall take effect when approved by the governor, whether accepted or not accepted by any persons or corporation interested.

Advantages to be allowed in offset.

Former acts modified.

To take effect.

Approved February 11, 1876.

Chapter 260.

An act to amend an act entitled "an act for supplying the City of Bangor with water," approved February twenty-two, eighteen hundred twenty-five.

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

SECT. 1. Section one, of chapter one hundred and sixty-eight of the private and special laws of eighteen hundred and seventy-five, is hereby amended by striking out in the sixth and seventh lines thereof, the words "for the extinguishment of fires, domestic uses and creating steam;" and inserting in the place thereof the words 'for all municipal and domestic uses,' so that said section, as amended, shall read as follows:

Sec. 1 of ch. 168, special laws of 1875, amended.

'SECT. 1. The city of Bangor is hereby authorized to take, hold, and convey into, about and through the city of Bangor, from any point in Penobscot river that may be deemed expedient, between the foot of Treat's falls, in Bangor, and the head of McMahan's falls, in Veazie, water sufficient for the use of said city and the inhabitants thereof, for all municipal and domestic uses; and may flow, take and hold, by purchase or otherwise, any lands or real estate for laying and maintaining aqueducts or pipes for conducting, discharging, disposing of and distributing water, and for constructing and maintaining reservoirs, dams and such other works as may be deemed necessary or proper for raising, forcing, retaining, distributing, discharging or disposing

Bangor authorized to supply city with water.

Purpose of.

May take and hold real estate for laying aqueducts and pipes and maintaining dams, reservoirs, &c.

CHAP. 260. of said water, and for the erection of any works for said purposes, and for sinking wells or making excavations for the filtration of water.'

Sec. 2, amended. **SECT. 2.** Section two of said chapter is hereby amended, by striking out in the second, fifth and seventh lines thereof, the word "said," and inserting in the places thereof the word 'any ;' and by inserting in the fourth line thereof after the word "and" the following words, 'take by gift or,' and by adding to said section the following words: 'said city shall construct and maintain from time to time, in such dam, such suitable locks or sluice for the passage of boats, rafts, logs and other lumber, as the public necessity may require,' so that said section as amended, shall read as follows :

May erect a dam across river.

'**SECT. 2.** Said city may erect and forever maintain, at any point, a dam across said river, for the retention of water for said specified purposes, not exceeding twelve feet in height above mean high tide; and take by gift or purchase, any franchises or the right to operate under any franchises required for said purposes, or may purchase and forever maintain any dam erected or to be erected across said river at any point, for the retention of said water, or may purchase the privilege and right forever to draw and take from said river, at any point, a sufficient quantity of water for all said purposes, and sufficient water power to pump and raise, force and distribute the same to any required places in said city; may make, build, lay down and maintain aqueducts and pipes, from said river, at said point, to, into, through and about said city, and secure and maintain the same by any works suitable therefor; may make and establish such public fountains and hydrants in such places as may from time to time be deemed proper, and prescribe the purposes for which the same may be used, and may change or discontinue the same; may distribute water throughout the city, and for this purpose may lay down pipes to any house or building in said city, the owner or owners thereof having notice and not objecting thereto; may regulate the use of said water within said city, and establish, receive and collect the prices or rents to be paid therefor; and the said city may, for the purpose aforesaid, carry and conduct and maintain any aqueducts, pipes or other works by them to be made, laid down or conducted, over, under, through or across any water-course or river, street, bridge, railroad, highway or other way, in such manner as not to obstruct the travel or free use thereof; may enter upon and dig up any such road, street or way, for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same, and, in general, may do any other acts and things necessary or convenient and proper for

May take any franchise by gift or purchase.

Aqueducts and pipes.

Fountains and hydrants.

Distribution of water.

Water rents.

May conduct aqueducts, &c., across public ways.

carrying out the purposes of this act. Said city shall construct and maintain, from time to time, in such dam, such suitable locks or sluice for the passage of boats, rafts, logs and other lumber, as the public necessity may require.'

SECT. 3. Section three of said chapter is hereby amended by inserting in the third line thereof, after the word "water," the following words 'or of power,' and in the fourth line thereof, after the word "surplus," the following words, 'water or,' so that said section as amended shall read as follows :

Sec. 3, amended.

'SECT. 3. If said city shall elect to erect or purchase a dam as aforesaid, for said purposes, and there shall be a surplus of water or of power, after supplying at present all of said purposes, said city may sell or lease any surplus water or power created by said dam.'

City may sell or lease surplus power created by dam.

SECT. 4. Section four of said chapter is hereby amended by inserting in the seventh line thereof, after the word "therefor," the following words, 'said city or,' so that said section as amended shall read as follows :

Sec. 4, amended.

'SECT. 4. Said city shall be liable to pay all damages that shall be sustained by any persons or corporations in their property, by the taking of any land or by flowage, or excavating through any land for the purpose of laying down pipes, building dams or constructing reservoirs, or making excavations. And if any person or corporation sustaining damage as aforesaid, and said city, shall not mutually agree upon the sum to be paid therefor, said city, or such person or corporation, may cause said damages to be ascertained and determined in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in the case of damage by the laying out of highways.'

Damages.

—In case of disagreement, how determined.

SECT. 5. Section five of said chapter is hereby amended by striking out all of said section after the figure "five," and inserting in place thereof the following words, so that said section as amended shall read as follows :

Sec. 5, amended.

'SECT. 5. The rights, powers and authorities given to the city of Bangor by this act shall be exercised by the said city, subject to the restrictions, duties and liabilities herein contained, in such manner and by such commissioners, officers, agents and servants, chosen at such times, and for such terms of office, as the city council shall from time to time ordain, appoint and direct. *Provided however,* that until the first day of January, eighteen hundred and seventy-seven, there shall be three commissioners, called a water board, whose compensation shall be fixed from time to time by the city council, and George Stetson, William T. Pearson and Luther H. Eaton, all of said Bangor, shall constitute said board from the acceptance of this act, unless sooner removed,

Rights and powers, how exercised

Commissioners, &c.
Term of office.

Proviso.

Compensation, how fixed.

- CHAF. 260.** as hereinafter provided. In case of any vacancy in said board, by death, resignation or otherwise, such vacancy shall be filled by the election of a new member by the city council, in joint convention, which said city council may, at any time, by a vote of two-thirds of each board, remove either or all of the members of said water board.'
- Vacancies, how filled.**
- Removal.**
- Sec. 6, amended.** **SECT. 6.** Section six of said chapter is hereby amended by striking out in the sixth line thereof, the words "three hundred and fifty," and inserting in place thereof the words 'five hundred;' and by adding to said section, the following words: 'and the signatures of such officers shall be binding upon said city, notwithstanding such officials may not be in office at the issuing of such bonds, or at the date of said first issue,' so that said section as amended, shall read as follows:
- Bonds may be issued to defray expenses.** 'SECT. 6. For the purpose of defraying the expenses which may be incurred by said city, in carrying into effect the powers herein granted to said city of Bangor, said city is authorized to raise money by issuing and selling its bonds or scrip, from time to time, as the same shall be needful, not exceeding, however, in all, the amount of five hundred thousand dollars. Said bonds shall be designated and marked City of Bangor Water Loan Bonds, and shall all bear date of the first issue of said bonds, be made payable to the holder thereof in thirty years from date, and in such sums, and at such places as the city council may determine, with coupons for interest attached, reckoned at the rate of six per centum per annum, payable semi-annually, and shall be signed by the treasurer and countersigned by the mayor of said city, and by the members of the water board; and the signatures of such officers, shall be binding upon said city, notwithstanding such officials may not be in office at the issuing of such bonds, or at the date of said first issue.'
- amount of.**
- how designated**
- when payable.**
- interest on.**
- how executed.**
- upon whom binding.**
- Sec. 7, amended.** **SECT. 7.** Section seven of said chapter is hereby amended by inserting in the seventh line thereof, after the word "same," the following words: 'and for the creation of a sinking fund as hereinafter provided;' and by adding to said section the following words: 'and for the creation of said sinking fund,' so that said section as amended, shall read as follows:
- Assessment to defray interest and expenses.** 'SECT. 7. The city council of said city is authorized to establish, assess, collect and receive, annually, and as much oftener as may be deemed expedient, such prices, rents and tolls for water, of the water-takers, as shall pay, as the same shall become due, a part or the whole of the interest on said bonds, the expenses of carrying on or running said works, and repairing the same, and for the creation of a sinking fund as hereinafter provided. And said city council is authorized, from time to time, to grant,
- Sinking fund.**

assess, collect and appropriate in the same manner as other money is granted, assessed, collected and appropriated for other city purposes, such sums of money as shall be necessary to pay any deficiency in the amount assessed and collected, as aforesaid, of said water-takers, to pay said interest and expenses, and for the creation of said sinking fund.'

CHAP. 260.

Assessment to pay deficiency.

SECT. 8. Section eight of said chapter is hereby amended by striking out in the second and third lines thereof, the following words, "and as compensation for the use of water for municipal purposes," so that said section as amended shall read as follows:

Sec. 8, amended.

'SECT. 8. In order to create a sinking fund to pay and extinguish said bonds at maturity, said city is authorized, annually, after the expiration of five years from the issue of said bonds, to grant, assess, collect and appropriate in the same manner as other money is granted, assessed and appropriated for other city purposes, a sum not exceeding ten thousand dollars, and for such a number of years that said fund thus created, with accumulated interest or income thereof, shall be sufficient in amount to redeem and extinguish all of said bonds at maturity; said money thus raised shall be invested in the purchase of bonds of said city, or of municipal bonds of other cities in New England of a population of not less than twenty thousand inhabitants, or of county or state bonds of New England.'

Sinking fund.

—how invested.

SECT. 9. Section twelve of said chapter is hereby repealed.

Sec. 9, repealed.

SECT. 10. Before this act is submitted to the legal voters of said city, the city council of said city, at a legal meeting, shall accept the provisions of an act passed by the present legislature, entitled "an act to amend and extend the charter of the Bangor Water Power Company," approved February nineteen, eighteen hundred and sixty-seven, and said city council are hereby authorized to so accept the same.

Action required of city council.

SECT. 11. The Bangor Water Company, or any person or persons named in the act incorporating said company, may petition the supreme court for the county of Penobscot, setting forth that said company, person or persons have a claim growing out of moneys advanced, or services performed to secure the introduction of water into said city, and after notice, a hearing shall be had of the parties, and the court shall determine whether the petitioners have any legal or equitable claim upon said city for a reimbursement of said moneys, in case this act is accepted by the city; and in case said court shall determine that such claim exists, then, and not otherwise, the court shall appoint three suitable men to determine the amount of such claim, and the same proceedings shall be had as in case of a reference of an action in court under the laws of this state. And all rights under

Claims, how determined.

CHAP. 261. this section shall be claimed within one year from the passage of this act.

Rights to be claimed within one year.
Act, when to take effect or be in force.

SECT. 12. This act shall not take effect or be of any force until the legal voters of the city, in the legal ward meetings, shall, by a vote of two-thirds of all the votes thrown for and against said act at such meetings, adopt the same.

SECT. 13 This act shall take effect when approved.

Approved February 11, 1876.

Chapter 261.

An act to incorporate the Maine State Temperance Camp-Meeting Association.

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

Corporators.

SECT. 1. That Nelson Dingley, E. C. Farrington, Joshua K. Osgood, Rev. I. Luce, Capt. J. B. Coyle, Joel Morrill, Dr. George E. Brickett, Neal Dow, Job Sanford, E. W. Stetson, Samuel Dingley, R. A. Cleaves, A. Little, Cyrus Sturdevant, Owen B. Chadbourn, Caleb A. Chaplin, W. B. Hutchins, their associates and successors, be and are hereby constituted a body corporate by the name of the Maine State Temperance Camp-meeting Association, and by that name may sue and be sued, have and use a common seal, take by purchase or gift, and hold for the objects of their association, to wit: the promotion of the cause of temperance,—any real and personal estate, to an amount not exceeding one hundred thousand dollars, and the same to use and dispose of at pleasure, and make and execute any by-laws for the convenient management of their affairs, not repugnant to the laws of the state, and to have and to enjoy all the powers and privileges incident to corporations instituted for like purposes.

Corporate name.

Powers, privileges and liabilities.

Objects of association.

May hold real and personal estate.

First meeting, how called.

SECT. 2. The first meeting of said corporation may be called by any three persons named in this act, by giving at least ten days' notice of the time and place appointed for such meeting, in a public newspaper published in Portland, Augusta, Bangor or Lewiston.

SECT. 3. This act shall take effect when approved.

Approved February 12, 1876.