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CITY OF PORTLAND, MAINE

1878-79
AUDITOR'S *annual report*

TWENTIETH ANNUAL REPORT
OF THE
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RECEIPTS AND EXPENDITURES

OF THE

CITY OF PORTLAND, *Me.*

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FOR THE FINANCIAL YEAR 1878-79,

April 1, 1878 (both inclusive), March 31, 1879,

WITH THE

MAYOR'S ADDRESS,

AND

ANNUAL REPORTS OF THE SEVERAL DEPARTMENTS

MADE TO THE CITY COUNCIL, March, 1879.



PORTLAND, MAINE:

PRINTED AT TUCKER PRINTING HOUSE,

A. M. KIMBALL, MANAGER.

1879.

AN ORDINANCE TO AUTHORIZE THE PORTLAND WATER COMPANY TO SUPPLY
THE CITY OF PORTLAND WITH PURE WATER.

*Be it ordained by the Mayor, Aldermen, and Common Council
of the city of Portland, in city council assembled, as follows :*

SEC. 1. The Portland Water Company are authorized to lay down in and through the streets of the city of Portland, and to take up and repair all such pipes, aqueducts, and fixtures as may be necessary for the objects of their incorporation, subject to all the requirements of their charter and the additional act approved February 14, 1868, and to the conditions of the following agreement, which is hereby incorporated into this ordinance as a part thereof, and as a conditions of the consent hereby given.

This memorandum of an agreement made and entered into at Portland, this twenty-eighth day of February, A. D. 1868, by and between the city of Portland, of the first part, and the Portland Water Company, a corporation established and organized under the laws of the State of Maine, party of the second part, witnesseth :

That in consideration that the city of Portland doth hereby consent that the said Portland Water Company may lay down its mains and pipes in the city of Portland, subject to all the conditions and limitations and liabilities imposed in the charter of said company, which are as follows, viz :

The said company are authorized to lay down in and through the streets of said city and to take up and repair all such pipes, aqueducts, and fixtures as may be necessary for the objects of their incorporation, the consent of the city council being given thereto under the following restrictions and regulations, and subject to the following agreements :

Said company shall be liable in all cases to repay to the city all sums of money that said city may be obliged to pay on any judgment recovered against said city for damages occasioned by any obstructions, or taking up or displacement of any street by said company, whatever, with or without the consent of the city council, together with counsel fees and other expenses incurred by said city in defending any suit to recover damages as aforesaid, with interest on the same, to be recovered in an

action for money paid to the use of said company; and whenever the company shall lay down any pipes or aqueducts in any streets, or make any alteration or repair in their works in any street, they shall cause the same to be done with as little obstruction to the public travel as may be practicable, and shall at their own expense, without unnecessary delay, cause the earth and pavement removed by them to be replaced in proper condition; they will not in any case obstruct and impair the use of any private or public drain, common sewer or reservoir or gas pipe, but said company shall have the right to cross, or when necessary, to change the direction of any private drain in such manner as not to obstruct or impair the use thereof; being liable for any injury occasioned by any such crossing or alteration to the owner thereof, or any other person injured, in an action on the case.

The said company on its part, doth hereby covenant and agree with said city as follows:

First. Said corporation shall furnish at all times to the city of Portland, without charge to the city, for use in public buildings and school-houses of the city, and for the extinguishment of fires and other strictly municipal purposes, such amount and volume of water as may be needful therefor; the necessary service pipes and hydrants for distribution thereof for the purposes aforesaid being furnished, laid, and connected with the pipes of this company at the expense of the city, and will also supply, upon the same conditions, free from charge to the city, the water for three public fountains, the regulation of the supply of water from the fountains to be under the joint control of the water commissioners of the city, and the president of the company.

Second. The water shall be introduced into the city from Sebago Lake, by a twenty-inch hydraulic main, so as to supply the hydrants, within two years from January 1st, A. D. 1868.

Third. A reservoir or reservoirs shall be constructed on Bramhall's or Munjoy Hills, of the capacity of 16,000,000 gallons, and the higher elevations on Bramhall and Munjoy shall be supplied by a stand-pipe or by gravitation directly from the mains, in a manner satisfactory to the engineer of the city.

The capacity of the reservoir shall be increased from time to time when necessary to meet the requirements of increased consumption.

Fourth. For city distribution, in addition to the twenty-inch mains, there shall not be less than 5,000 feet of sixteen-inch pipe, 5,000 feet of twelve-inch pipe, 5,000 feet of ten-inch pipe, 10,000 feet of eight-inch pipe, 40,000 feet of six-inch pipe, and 10,000 feet of four-inch pipe.

Fifth. In the event of reasonable ground of complaint of want of supply to more sparsely populated portions of the city, the city council shall decide upon the feasibility and necessity, and the company shall lay its mains wherever the city council shall decide it reasonable to require it under all the circumstances of the case.

Sixth. The rate charged to the water takers shall be reasonable as compared with the rates in other cities, with due consideration to the cost and income of the works; and in case of excessive or exorbitant rates, shall be liable to correction by the supreme judicial court, under the equity powers conferred on the court by the act of February 14, 1868, and for manufactories and other similar large consumers the maximum rates shall be fixed by the city and the company, and in case of their disagreement, by the three commissioners appointed by the supreme judicial court.

The works shall be constructed under the supervision of an engineer appointed by the city, who shall confer with the engineer of the company as the work progresses, and in case of disagreement a third engineer shall be selected, whose decision shall be final.

In witness whereof, the said Portland Water Company hath hereto, by its president, thereto duly authorized, affixed the name and seal of said company, the assent of said city being given in the ordinance in which this agreement is incorporated.

THE PORTLAND WATER COMPANY, by } Corporated seal of
G. F. SHEPLEY, *President.* } the Company.

Approved March 3d, 1868.

AUG. E. STEVENS, *Mayor.*