

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1874.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 28, 1840, and March, 16, 1842.

AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1874.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1874.

first day of August and the fifteenth day of October, of each year ; and from the said fifteenth day of October to the first day of April next following of each year, no lobster shall be so caught, preserved, sold or exposed for sale, under ten and one half inches in length, measuring from one extreme of the body to the other, exclusive of claws or feelers ; but from the said first day of April to the said first day of August of each year, there shall be no such restriction, nor any restriction, as to time or size, in the taking, preserving, selling or exposing for sale such fish.

CHAP. 211.

certain times, prohibited.

—may be taken between first days of April and August.

SECT. 2. Any person violating any provision of the above section, shall be punished by a fine of ten dollars for every such lobster so caught, used, sold or exposed for sale, as aforesaid, one half to the person making the complaint, and one-half to the use of the town in which the offense is committed.

Penalty for violation.

SECT. 3. All acts or parts of acts, inconsistent with this act, and especially chapter twenty of the public laws of this State, approved February twentieth, in the year of our Lord eighteen hundred and seventy-two, are hereby repealed.

Inconsistent acts repealed.

Approved March 3, 1874.

Chapter 211.

An act to supply the people of the towns of Brunswick and Topsham and of the city of Bath with pure water.

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

SECT. 1. Charles J. Gilman, Benjamin Green, Leonard D. Shepley, Charles C. Humphreys, Edwin Reed and Samuel D. Bailey, with their associates and successors, are hereby made a corporation by the name of the Pejepscot Water Company, for the purpose of conveying to the towns of Brunswick and Topsham and the city of Bath a supply of pure water for domestic and municipal purposes, including the extinguishment of fires, the supply of shipping and the use of manufacturing establishments.

Corporators.

Corporate name.

Purposes.

SECT. 2. Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding in amount five hundred thousand dollars.

Corporation may hold real and personal estate.

SECT. 3. Said corporation is hereby authorized, for the purposes aforesaid, to take and hold the water of the Androscoggin river, and may take and hold, by purchase or otherwise, any land or real estate necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining aqueducts for conducting, discharging, distributing and disposing of water and for forming reservoirs thereof.

—authorized to take and hold water, land, &c.

CHAP. 211.

Corporation liable for damages.

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

Damages, how ascertained.

Capital stock and shares.

—how applied.

SECT. 5. The capital stock of said company shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each. Said capital stock shall be applied exclusively to the supply and distribution of water for the purposes set forth in this act.

Corporation liable for depreciating value of private property.

SECT. 6. Nothing contained in this act shall be construed to affect or diminish the liability of said corporation for any injury to private property, by depreciating the value thereof, or otherwise, but said corporation shall be liable therefor in an action on the case.

—authorized to repair pipes, fixtures, &c.

SECT. 7. The said company are hereby authorized to take up, replace and repair all such pipes, aqueducts and fixtures as may be necessary for the objects of their incorporation, first having obtained the consent of the selectmen of the said towns, and the consent of the city council of said city therefor, and under such restrictions and regulations as said selectmen and said city council may see fit to prescribe; and any obstruction in any street of said towns and city, or taking up or displacement of any portion of any street, without such consent of the selectmen and city council, or contrary to the rules and regulations that may be prescribed as aforesaid, shall be considered a nuisance, and said company shall be liable to indictment therefor and to all the provisions of law applicable thereto; and said company shall, in all cases, be liable to repay to said towns and city all sums of money that said towns and city may be obliged to pay on any judgment recovered against said towns or city for damages occasioned by any obstructions, or taking up or displacement of any street by said company whatever, or without the consent of the selectmen of said towns or the city council of said city, together with the council fees and other expenses incurred by said towns or city in defending any suit to recover damages as aforesaid, with interest on the same, to be recovered in an action for money paid for the use of the company.

Certain acts deemed a nuisance.

Company liable for damages occasioned by obstructions, &c.

Obstruction to public travel.

SECT. 8. Whenever the company shall lay down any pipes or aqueducts in any street, or make any alteration or repairs upon 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 shall not be allowed in any case to obstruct or impair the use of any public drain or common sewer or reservoir; but said company shall have the right to cross, or where 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 person, in an action on the case.

Not to obstruct public drains.

—may change direction of private drains.

SECT. 9. If said company, or any of their servants or officers, employed in effecting the objects of the company, shall wilfully or negligently place or leave any obstructions in any of the streets of said towns or city, beyond what is actually necessary in constructing their works, laying down, taking up, and repairing their pipes and fixtures, or shall wilfully or negligently omit to repair and put in proper condition, any street in which the earth or pavement may have been removed by them, the company shall be subject to indictment therefor, in the same manner that towns are subject to indictment for bad roads, and shall be holden to pay such fine as may be imposed therefor, which fine shall be collected, applied and expended, in the same manner as is provided in case of the indictment aforesaid against towns, or may be ordered to be paid into the treasury of the said town or city. If any person shall suffer injury in his person or property, by reason of any such negligence, wilfulness, or omission, he shall be entitled to recover damages of the company therefor, by an action on the case in any court of competent jurisdiction.

—liable for negligence.

Persons injured by company's negligence entitled to damages.

SECT. 10. Any person who shall maliciously injure any of the property of said company, or shall corrupt the waters of said river or any of its tributaries, or render them in any manner impure, or who shall throw the carcasses of dead animals or other offensive matter or materials into the waters of said river or its tributaries, or leave the same upon the same when frozen, or who shall, in any manner, wilfully destroy or injure any dam, reservoir, aqueduct, pipe, hydrant, or other property held, owned or used by said corporation for the purposes of this act, shall pay three times the amount of damages to said company, to be recovered in any proper action, and every such person, on conviction of either of said acts, shall be punished by a fine not exceeding five thousand dollars, and by imprisonment not exceeding one year.

Penalty for malicious injury to company's works.

SECT. 11. If, in the erection and construction of the works herein provided for, it shall become necessary to erect any dam or permanent works over the waters, the said company is hereby authorized to erect, construct and maintain the same, first having

Authorized to erect dams, &c.

CHAP. 212. the authority, in writing, from the proper party or parties therefor.

Town and city officers, powers of, to regulate and control doings of corporation.

SECT. 12. The selectmen of the said towns and the mayor and aldermen of said city, for the time being, shall at all times have the power to regulate, restrict and control the acts and doings of said corporation, which may, in any manner, affect the health, safety, or convenience of the inhabitants of said towns and city.

Corporation may issue bonds.

SECT. 13. The said corporation may issue its bonds for the construction of its works, upon such rates and time as it may deem expedient, not exceeding in all, the sum of five hundred thousand dollars, and secure the same by mortgage of the franchises and property of said company.

Taxation.

SECT. 14. The city council of the said city of Bath may, by vote, exempt any property of said corporation, not now in existence, from taxation, for the term of ten years.

First meeting, how called.

SECT. 15. The first meeting of said corporation may be called by a notice, signed by any two of the incorporators, published three weeks successively, before the day fixed for such meeting, in the Brunswick Telegraph.

SECT. 16. This act shall be taken and deemed to be a public act.

Approved March 3, 1874.

Chapter 212.

An act relating to judicial courts.

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

Judge may charge jury on matters of law.

During the progress of a jury trial the presiding justice shall rule and charge the jury, orally or in writing, upon all matters of law arising in such cases, but shall not, during the progress of the trial, including the charge to the jury, express an opinion upon issues of fact arising in the case, and any such expression of opinion shall be deemed sufficient cause for a new trial, if either party aggrieved thereby and interested shall desire it, and the same shall be ordered accordingly by the law court upon exceptions.

—not to express opinion on issues of fact.

Approved March 3, 1874