

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SIXTIETH LEGISLATURE

OF THE
STATE OF MAINE.

1881.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA :
SPRAGUE & SON, PRINTERS TO THE STATE.
1881.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1881.

Chapter 109.**CHAP. 109**

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, John Furbish, Eliphalet W. Dennison, Albert G. Page and Samuel D. Bailey, with their associates and successors, are hereby made a corporation by the name of the Pejepsco^t 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.

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.

Authorized to hold property.

SECT. 3. Said corporation is hereby authorized, for the purposes aforesaid, to take and hold the water of the Audroscoggin 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 and real estate.

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 by 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.

Liability for damages.

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.

Capital stock.

CHAP. 109

Liability for
injury to private
property, not
affected.

Powers and
liabilities.

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.

SECT. 7. The said company is hereby authorized to take up, replace and repair all such pipes, aqueducts and fixtures as may be necessary for the objects of its 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 or 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 counsel 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.

Obstruction of
public travel to
be avoided.

SECT. 8. Whenever the company shall lay down any pipes or aqueducts in any street, or make any alteration or repairs upon its works in any street, it shall cause the same to be done with as little obstruction to the public travel as may be practicable, and shall, at its own expense, without unnecessary delay, cause the earth and pavement removed by it to be replaced in proper condition. It 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

—of public
drains, prohibited

such crossing or alteration, to the owner thereof, or any person, in an action on the case. CHAP. 109

SECT. 9. If said company, or any of its servants or officers, employed in effecting the objects of the company, shall willfully or negligently place or leave any obstructions in any of the streets of said towns or city beyond what is actually necessary in constructing its works, laying down, taking up, and repairing its pipes and fixtures, or shall willfully or negligently omit to repair and put in proper condition, any street in which the earth or pavement may have been removed by it, 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, willfulness, 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.

Penalty for neglect of servants or officers.

Persons injured may recover 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, willfully 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 property of company.

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

Permanent works may be erected.

CHAP. 110 the same, first having the authority, in writing, from the proper party or parties therefor.

Municipal officers to regulate 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.

Authorized to 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.

First meeting, how called.

SECT. 14. The first meeting of said corporation may be called by a notice, signed by any two of the corporators, published three weeks successively, before the day fixed for such meeting, in the Brunswick Telegraph.

Approved March 9, 1881.

Chapter 110.

An act for the navigation of Cobbossecontee Lake in the County of Kennebec.

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

George A. Cony et als. authorized to navigate Cobbossecontee lake.

SECT. 1. George A. Cony, his associates and assigns, are hereby authorized to clear channels, dredge bars, remove stones and build piers in Cobbossecontee lake in the county of Kennebec ; and they are hereby vested with the exclusive right against all persons and corporations of employing and navigating every kind of boat or water-craft, propelled by steam, for carrying passengers or freight on said lake, for the term of ten years from the passage of this act.

Penalty for others using steam craft as common carriers.

SECT. 2. Any person or corporation, who shall use or employ on said lake, any boat or other water-craft, propelled by steam, as carriers of passengers or freight, without being authorized by said corporator, his associates or assigns, shall forfeit for each offense not less than twenty dollars, nor exceeding one hundred dollars, to be recovered by and for the use of said corporator, his associates and assigns in an action of debt.