

# MAINE STATE LEGISLATURE

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DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1850.

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Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1850.

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# THIRTIETH LEGISLATURE.

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No. 33.]

[HOUSE.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
FIFTY.

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AN ACT to supply the people of Rockland with pure  
water.

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

SECTION 1. Knott Crockett, Henry C. Sewell,  
2 Charles Holmes, Nathan A. Farwell, James O. L.  
3 Foster, John T. Berry, Rufus T. Slocomb, Ephraim  
4 Hall, Hiram E. Berry, Larkin Snow, Joseph Hewett,  
5 Charles Crockett, Sela E. Dennis, John G. Lovejoy,  
6 John Wakefield, Alfred H. Kimball, Charles A. Ma-  
7 comber, Francis Cobb, Ephraim Barret, Benjamin

8 N. Lothrop, with their associates and successors, are  
9 hereby made a corporation by the name of the Rock-  
10 land Water Company, for the purpose of conveying  
11 to the village of Rockland, a supply of pure water for  
12 domestic purposes, including a sufficient quantity for  
13 the extinguishment of fires and the supply of the ship-  
14 ping in the harbor of Rockland. But this act shall  
15 not be so construed as to authorize said corporation  
16 to apply said water to the purpose of propelling ma-  
17 chinery.

SECT. 2. Said corporation may hold real and per-  
2 sonal estate necessary and convenient for purposes  
3 aforesaid, not exceeding in amount seventy-five thou-  
4 sand dollars.

SECT. 3. Said corporation is hereby authorized for  
2 the purposes aforesaid to take, hold and convey to,  
3 into and through the said village of Rockland, the  
4 water of Tolman's pond, so called, situate in Rock-  
5 land and Camden, by pipes sunk below the bottom of  
6 its outlet; and may also take and hold by purchase  
7 or otherwise, any land or real estate necessary for  
8 laying and maintaining aqueducts for conducting and  
9 discharging, disposing of and distributing water, and

10 for forming reservoirs. But nothing in this act shall  
11 be taken or construed to prevent the owners of mills,  
12 or mill privileges on the stream flowing through the  
13 outlet of said pond, from using the water thereof in  
14 the same manner that they now do or have heretofore  
15 done ; but said mill owners shall not, nor shall any  
16 other person or persons be permitted, either by  
17 cutting below the pipes of said corporation or in any  
18 other way to withdraw the water or to obstruct the  
19 water works of said corporation.

SECT. 4. Said corporation, within six months from  
2 the time they shall take any lands for the purposes of  
3 this act, shall file in the office of the registry of deeds  
4 for the county or registry district wherein said lands  
5 lie, a description thereof and a statement of the pur-  
6 poses for which taken.

SECT. 5. Said corporation may construct an aque-  
2 duct in manner aforesaid, from said Tolman's pond  
3 to, into and through the village of Rockland, and  
4 secure and maintain reservoirs ; may distribute the  
5 water by means of pipes throughout said village ; may  
6 regulate the use of said water, and establish, subject to  
7 the control of the legislature, the prices and rents to be

8 paid therefor. And the said corporation may, for the  
9 purposes aforesaid, carry and conduct any aqueducts  
10 under any water course, street, highway, railroad or  
11 other way, in such manner as not to obstruct or im-  
12 pede travel thereon; and may enter upon and dig up  
13 any such road, street or way, for the purpose of lay-  
14 ing down pipes beneath the surface thereof, and for  
15 maintaining and repairing the same, and in general  
16 to do any other acts and things necessary, convenient  
17 and proper, to be done for the purposes of this act.

SECT. 6. If said corporation in the exercise of the  
2 powers herein granted, shall damage the mill privi-  
3 leges on the stream flowing through the outlet of said  
4 pond, by reducing the water below its ordinary and  
5 usual depth, or in any other way, the owners of said  
6 mill privileges shall be entitled to compensation for  
7 said damage, and in case such owner and said corpo-  
8 ration shall not mutually agree upon the sum to be  
9 paid therefor, such owner may cause his damages to  
10 be ascertained by complaint in which all the parties  
11 claiming to have been damaged shall be joined, to the  
12 supreme judicial court, at any term thereof held in the  
13 county of Lincoln, and said corporation shall be held

14 to answer and plead thereto, and all questions of fact  
15 arising upon said pleadings shall be presented to and  
16 settled by a jury, unless the parties shall agree to a  
17 committee or referees; and all questions of law shall  
18 be settled by the court as in other civil suits, to final  
19 judgment and execution. And such final judgment  
20 shall be the measure of yearly damages until the par-  
21 ties issue a new complaint to the court to be filed by  
22 either party, and by similar proceedings, as in the  
23 former case, shall obtain an increase or decrease of  
24 said damages, and the prevailing party shall be enti-  
25 tled to his legal costs as in personal actions. And if  
26 said judgment shall not be satisfied within one year,  
27 said court upon written application and proof of the  
28 fact, are hereby empowered to order the use of the  
29 water of said pond to be discontinued by said corpo-  
30 ration and may issue process to enforce said order.

SECT. 7. Said corporation shall be liable to pay all  
2 damages that shall be sustained by any persons in  
3 their property by the taking of any land, or excavat-  
4 ing through any land for the purpose of laying down  
5 pipes. And if any person sustaining damage as afore-  
6 said and said corporation shall not mutually agree

7 upon the sum to be paid therefor, such person may  
8 cause his damages to be ascertained in the same  
9 manner and under the same conditions and limitations  
10 as are by law prescribed in the case of damages by  
11 the laying out of highways.

SECT. 8. The town of Rockland shall have the  
2 right, any time after the expiration of ten years from  
3 the date the water works of said corporation shall go  
4 into operation, to take, exercise and control all the  
5 property, rights, power and privileges of said corpo-  
6 ration, on paying to said corporation the amount of  
7 capital stock actually paid in and expended under the  
8 provisions of this act, with ten per cent. thereon;  
9 and in case said town and said corporation shall not  
10 agree upon the sum to be paid therefor, the supreme  
11 judicial court at any term thereof holden in the county  
12 of Lincoln, upon application of said town, shall appoint  
13 three commissioners whose duty it shall be to hear  
14 the parties, and determine what sum said corporation  
15 has expended under the provisions of this act, the re-  
16 port of whom or a major part of whom shall be made  
17 at the next term of said court succeeding their ap-  
18 pointment, and when accepted by the court shall be



19 final; and upon payment of that sum the franchise of  
20 said corporation, with all the property, rights, powers  
21 and privileges, shall vest in and belong to said town of  
22 Rockland.

SECT. 9. If said corporation shall not be organized,  
2 and its works put into actual operation within two  
3 years, the town of Rockland, if it shall so elect, shall  
4 succeed to all the rights, and be subject to all the  
5 duties mentioned in this act.

SECT. 10. Any person who shall corrupt the waters  
2 of said Tolman's pond, or render them impure, or  
3 who shall throw or leave the carcasses of dead animals,  
4 or other offensive matter or materials upon the said  
5 pond when frozen over, or who shall willfully destroy  
6 or injure any dam, reservoir, aqueduct, pipe, hydrant  
7 or other property held, owned or used by said corpo-  
8 ration for the purposes of this act, shall pay three  
9 times the amount of damage to said company, to be  
10 recovered in any proper action; and every such per-  
11 son convicted of either of said acts aforesaid, shall  
12 be punished by fine not exceeding one hundred dollars  
13 and by imprisonment not exceeding six months. But  
14 nothing in this section shall be construed to prevent

15 the inhabitants in the vicinity of said pond or the  
16 public from watering their animals therein and cross-  
17 ing the same as heretofore.

SECT. 11. Any three of the persons mentioned in  
2 this act may call the first meeting of said corporation  
3 in any manner they shall see fit, and in case the town  
4 of Rockland shall succeed to the rights of the corpo-  
5 rators as herein provided, the selectmen of said town  
6 shall notify the first meeting in the same manner that  
7 the legal meetings of said town are notified.

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## STATE OF MAINE.

HOUSE OF REPRESENTATIVES, August 15, 1850.

ORDERED, That 350 copies of the foregoing Bill, be printed  
for the use of the Legislature.

EDMUND W. FLAGG, *Clerk.*