

# MAINE STATE LEGISLATURE

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# FIFTY-THIRD LEGISLATURE.

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HOUSE.

No. 38.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-FOUR.

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AN ACT to supply the people of the towns of Brunswick and Topsham, and of the city of Bath, with pure water.

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

SECTION 1. Charles J. Gilman, Benjamin Green, 2 Leonard D. Shepley, Charles C. Humphreys, Edwin 3 Reed, and Samuel D. Bailey, with their associates and 4 successors, are hereby made a corporation by the name 5 of the Pejepscot Water Company, for the purpose of 6 conveying to the towns of Brunswick and Topsham, 7 and the city of Bath, a supply of pure water for do- 8 mestic and municipal purposes, including the extin- 9 guishment of fires, the supply of shipping and the use 10 of manufacturing establishments.

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

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.

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.

SECT. 5. The capital stock of said company shall not exceed five hundred thousand dollars.

SECT. 6. Nothing contained in this act shall be construed to effect 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 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 ob-

21 structions, or taking up, or displacement of any  
22 streets by said company, whatever, or without the  
23 consent of the selectmen of said towns or the city  
24 council of said city, together with the council fees  
25 and other expenses incurred by said towns or city in  
26 defending any suit to recover damages, as aforesaid,  
27 with interest on the same, to be recovered in an action  
28 for money paid for the use of the company.

SECT. 8. Whenever the company shall lay down any  
2 pipes or aqueducts in any street, or make any altera-  
3 tion or repairs upon their works in any street, they  
4 shall cause the same to be done with as little obstruc-  
5 tion to the public travel as may be practicable, and  
6 shall, at their own expense, without unnecessary delay,  
7 cause the earth and pavement removed by them, to be  
8 replaced in proper condition. They shall not be  
9 allowed, in any case, to obstruct or impair the use of  
10 any public drain, or common sewer, or reservoir; but  
11 said company shall have the right to cross, or when  
12 necessary, to change the direction of any private drain,  
13 in such manner as not to obstruct or impair the use  
14 thereof, being liable for any injury occasioned by any  
15 such crossing or alteration, to the owner thereof, or  
16 any person, in an action on the case.

SECT. 9. If said company, or any of their servants  
2 or officers, employed in effecting the objects of the

3 company, shall wilfully or negligently place or leave  
4 any obstructions in any of the streets of said towns  
5 or city, beyond what is actually necessary in construct-  
6 ing their works, laying down, taking up, and repairing  
7 their pipes and fixtures, or shall wilfully or negligently  
8 omit to repair and put in proper condition, any street  
9 in which the earth or pavement may have been re-  
10 moved by them, the company shall be subject to  
11 indictment therefor, in the same manner that towns  
12 are subject to indictment for bad roads, and shall be  
13 holden to pay such fine as may be imposed therefor,  
14 which fine shall be collected, applied, and expended,  
15 in the same manner as is provided in case of the in-  
16 dictment aforesaid against towns, or may be ordered  
17 to be paid into the treasury of the said town or city.  
18 If any person shall suffer injury in his person or prop-  
19 erty, by reason of any such negligence, wilfulness, or  
20 omission, he shall be entitled to recover damages of  
21 the company therefor, by an action on the case in any  
22 court of competent jurisdiction.

SECT. 10. Any person who shall maliciously injure  
2 any of the property of said company, or shall corrupt  
3 the waters of said river or any of its tributaries, or  
4 render them in any manner impure, or who shall  
5 throw the carcasses of dead animals or other offensive  
6 matter or materials into the waters of said river or its

7 tributaries, or leave the same upon the same when  
8 frozen, or who shall, in any manner, wilfully destroy  
9 or injure any dam, reservoir, aqueduct, pipe, hydrant,  
10 or other property held, owned or used by said corpor-  
11 ation for the purposes of this act, shall pay three times  
12 the amount of damages to said company, to be recov-  
13 ered in any proper action ; and every such person, on  
14 conviction of either of said acts, shall be punished  
15 by a fine not exceeding five thousand dollars, and by  
16 imprisonment not exceeding one year.

SECT. 11. If, in the erection and construction of the  
2 works herein provided for, it shall become necessary to  
3 erect any dam or permanent works over the waters,  
4 the said company is hereby authorized to erect, construct  
5 and maintain the same, first having the authority, in  
6 writing, from the proper party or parties therefor.

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

SECT. 13. The said corporation may issue its bonds  
2 for the construction of its works, upon such rates and  
3 time as it may deem expedient, not exceeding, in all,

4 the sum of five hundred thousand dollars, and secure  
5 the same by mortgage of the franchises and property  
6 of said company.

SECT. 14. The city council of the said city of Bath  
2 may, by vote, exempt any property of said corpora-  
3 tion, not now in existence, from taxation, for the term  
4 of ten years.

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

SECT. 16. This act shall be taken and deemed to be  
2 a public act, and shall be in force from and after its  
3 approval by the governor.

STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES, }  
February 10, 1874. }

Presented by Mr. CARVILL, and on his motion ordered printed,  
and referred to the Committee on Interior Waters.

S. J. CHADBOURNE, *Clerk*