

MAINE STATE LEGISLATURE

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FIFTY-EIGHTH LEGISLATURE.

HOUSE

No 72.

STATE OF MAINE.

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

AN ACT to incorporate the Rockland and Thomaston Water Company.

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

SECTION 1. John T. Berry, Francis Cobb, J. S.
2 Willoughby, C. G. Moffitt, M. A. Achorn, G. W.
3 Ricker, O. G. Hall, Leander Weeks, George Greg-
4 ory, A. F. Ames, H. W. Wight, Robert Crockett,
5 E. R. Spear, John D. May, T. S. Lindsey, Davis
6 Tillson, Samuel Bryant, J. O. Cushing, Charles
7 Waterman, Atwood Levensaler, E. K. O'Brien,
8 W. C. Burgess, Edward O'Brien, J. N. Brown,
9 Amos Walker, John Morse, Peter Vesper, S. G.
10 Hupper, J. H. Hupper, Alfred Watts, William
11 Flint, C. C. Morton, William Singer, H. C. Leven-

12 saler, Arthur Spear, James Henderson, William
13 Hewes, W. J. Gilchrest, John Dizer, G. W.
14 Robinson, R. Harvey Counce, James Hinch, J. A.
15 Creighton, John S. Case, J. F. Merrill, Edward
16 Merrill, Walter J. Wood, Eben B. Mayo, J. P.
17 Ingraham, Aurelius Young, O. B. Fales, John
18 Lovejoy, T. W. Hix, Jr., and Jonathan White,
19 with their associates, successors and assigns, are
20 hereby created a corporation by the name of the
21 Rockland and Thomaston Water Company, for
22 the purpose of conveying a supply of pure water
23 from Chickawaukie pond, otherwise called Tol-
24 man's pond, and from Oyster river pond, or from
25 either of said ponds, to, into and through the city
26 of Rockland and the towns of Thomaston and
27 South Thomaston, and the villages of West Cam-
28 den and Rockville in the town of Camden, for
29 public and private use, including the extinguish-
30 ment of fires, the supply of shipping, and the use
31 of manufactures, with all the rights and privileges,
32 and subject to all the liabilities and obligations of
33 similar corporations, under the general laws of the
34 state.

SECT. 2. Said corporation may hold real and
2 personal estate necessary and convenient for the
3 purposes aforesaid, not exceeding four hundred

4 thousand dollars; and its capital stock shall not
5 exceed that sum, and may be divided into shares
6 of such amount as the corporation may determine.

SECT. 3. Said corporation, for the purposes
2 aforesaid, may take and hold the water of said
3 ponds, or either of them, and at the outlets thereof
4 may erect and maintain suitable dams, and con-
5 struct suitable reservoirs at such places as may be
6 necessary to preserve a sufficient supply of water;
7 and may also take and hold, by purchase, or as for
8 public use, any real estate necessary for erecting
9 said dams and reservoirs, and for laying and main-
10 taining aqueducts for conducting, discharging and
11 distributing said water to and in the places named
12 in the first section, and may lay down in and
13 through the streets of such places, take up, repair
14 and replace all such pipes, aqueducts and fixtures
15 as may be necessary, first obtaining the consent of
16 the municipal officers thereof, and under such
17 restrictions and regulations as they shall prescribe,
18 and not otherwise, and shall do so in a careful and
19 prudent manner, causing as little obstruction to
20 the public travel as practicable, and immediately
21 restoring said streets to their proper condition.

SECT. 4. Said corporation shall be liable to pay
2 all damages sustained by any persons or corpora-

3 tions, by taking any lands for the purpose of build-
4 ing dams or reservoirs or laying pipes; and if
5 any person or corporation is so damaged, and the
6 parties shall not agree upon the sum to be paid
7 therefor, such person or corporation damaged may
8 have said damages ascertained in the same manner
9 as damages caused by laying out highways are
10 ascertained.

SECT. 5. Said corporation shall be liable to pay
2 all damages sustained by any persons or corpora-
3 tions by diverting the water of said ponds, or
4 either of them, to the injury of the Rockland Water
5 Company, or of any mill privileges on the streams
6 below said ponds, or by flowage; and if any person
7 or corporation is so damaged, and the parties shall
8 not agree upon the sum to be paid therefor, such
9 person or corporation damaged may cause their
10 damages to be ascertained, by complaint to the
11 supreme judicial court at any term thereof, held in
12 the county of Knox; and said Rockland and
13 Thomaston Water Company shall be held to answer
14 and plead thereto, and all questions of fact arising
15 upon said pleadings shall be presented to and set-
16 tled by a jury, unless the parties shall agree to a
17 committee of referees; and all questions of law
18 shall be settled by the court as in other civil cases,

19 and said complaint shall be prosecuted to final
20 judgment and execution. And such final judg-
21 ment shall be the measure of yearly damages until
22 the parties issue a new complaint to the court, to
23 be filed by either party, and by similar proceedings
24 as in the former case, shall obtain an increase or
25 decrease of said damages; and the prevailing party
26 shall be entitled to his legal costs as in personal
27 actions. And if said judgments are not satisfied
28 within one year after the rendition of the same,
29 said court upon written application and proof of
30 the fact are hereby empowered to order the use of
31 the water of said ponds to be discontinued by said
32 Rockland and Thomaston Water Company, and
33 may issue process to enforce said order.

SECT. 6. Said corporation shall furnish at all
2 times to all towns and villages where its works are
3 constructed, without expense to said towns or vil-
4 lages, for use in the public buildings and school
5 houses, and for the extinguishment of fire, such
6 amount and volume of water as may be needful
7 therefor; the necessary pipes and hydrants for dis-
8 tribution thereof for the purposes named in this
9 section, being furnished, laid, and connected with
10 the pipes of said corporation at the expense of said
11 towns and villages.

SECT. 7. Said corporation shall establish written regulations for the use of said water, and the rates to be paid by takers; and at the first regular session of the county commissioners of Knox county, in each year, such regulations and rates shall be submitted to them for their approval, and said corporation shall publish said regulations and rates in one or more newspapers printed in said county three weeks successively prior to said session, with a notice thereto attached that all persons interested may appear before said commissioners and be heard thereon. Such commissioners, on such hearing, may alter such regulations and rates, to make them just and reasonable, and then approve them, and they shall so remain for the ensuing year. Said corporation shall pay said commissioners per diem pay for the time employed in such examination, at the rates allowed by law for their official service.

SECT. 8. The city of Rockland shall have the right at any time after the expiration of ten years from the date the water works of said corporation shall go into operation, to take, exercise and control all the property, rights, power and privileges of said corporation, on paying to said corporation the amount of capital stock actually paid in and expended under the provisions of this act, with ten

9 per cent. thereon; and in case said city and said
10 corporation shall not agree upon the sum to be
11 paid therefor, the supreme judicial court at any
12 time thereof holden in the county of Knox, upon
13 petition of said city, duly served upon said cor-
14 poration as required on writs and processes in civil
15 actions, shall appoint three commissioners, whose
16 duty it shall be to hear the parties and determine
17 what sum said corporation has expended under the
18 provisions of this act, the report of whom, or a
19 major part of whom, shall be made at the next term
20 of said court succeeding their appointment, and
21 when accepted by the court shall be final; and upon
22 payment of that sum the franchise of said corpora-
23 tion, with all its property, rights, powers and
24 privileges, shall vest in and belong to said city of
25 Rockland.

SECT. 9. Unless said corporation shall, within a
2 reasonable time after its water is carried into the
3 city of Rockland, carry it into the village of Thom-
4 aston, the town of Thomaston, or any corporation
5 composed of the citizens of Thomaston, shall have
6 the right to connect pipes with the main pipe of
7 this corporation at any convenient and suitable
8 point, and draw water therefrom, for the purpose
9 of conveying it to the village of Thomaston, for

10 any of the uses specified in this act, by making a
11 compensation therefor, to be determined, if the par-
12 ties cannot agree, by the county commissioners of
13 Knox county.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 6, 1879. }

• Reported from the minority of the Committee on Legal Affairs,
by Mr. HUTCHINSON of Lewiston, and ordered printed.

B. L. STAPLES, *Clerk.*