

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTIETH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1850.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,  
and March 16, 1842.  
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1850.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1850.

CHAP. 381.

Corporate name.

Capital stock.

Terminus.

Inhabitants of
Orono authorized
to subscribe for
shares.Commencement
of road prohib-
ited until shares
are subscribed
for, &c.

are hereby granted to said corporation to build, maintain and manage the same as herein and hereby extended ; and that the title of said corporation shall be " the Penobscot Railroad Company ;" that the capital stock thereof may consist of not less than one thousand nor more than six thousand shares instead of the number limited by the act to which this is additional ; and that the corporation by its directors may decide the terminal points of said road in the towns aforesaid.

SECT. 2. That the authority granted to the inhabitants of the town of Orono, by an act of the legislature, approved August seventh, eighteen hundred and forty-nine, be and remain in full force and unaffected by this act ; and said inhabitants are authorized and empowered to subscribe for shares in the capital stock of this corporation in the same way, to the same extent and on the same terms and conditions on which they were authorized to subscribe for shares in " the Bangor and Orono Railroad " by said act ; and that no further vote of said town shall be required to accept the said authority.

SECT. 3. Said company shall not engage in nor commence the construction of any section or sections of said railway until seventy-five per centum of the estimated cost of said section or sections shall have been subscribed for by responsible persons.

SECT. 4. This act shall take effect and be in force from and after its approval by the governor.

[Approved August 21, 1850.]

Chapter 381.

An act to supply the people of Rockland with pure water.

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

Incorporators.

SECT. 1. Knott Crockett, Henry C. Lowell, Charles Holmes, Nathan A. Farwell, James O. L. Foster, John T. Berry, Rufus T. Slocomb, Ephraim Hall, Hiram E. Berry, Larkin Snow, Joseph Hewett, Charles Crockett, Sela E. Dennis, John G. Lovejoy, John Wakefield, Alfred H. Kimball, Charles A. Mecomber, Francis Cobb, Ephraim Barret, Benjamin N. Lothrop, with their associates and successors, are hereby made a corporation by the name of the Rockland Water Company, for the

Corporate name.

purpose of conveying to the village of Rockland, a supply of pure water for domestic purposes, including a sufficient quantity for the extinguishment of fires and the supply of the shipping in the harbor of Rockland. But this act shall not be so construed as to authorize said corporation to apply said water to the purpose of propelling machinery.

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

May hold real and personal estate.

SECT. 3. Said corporation is hereby authorized for the purposes aforesaid to take, hold and convey to, into and through the said village of Rockland, the water of Tolman's pond, so called, situate in Rockland and Camden, by pipes sunk below the bottom of its outlet; and may also take and hold by purchase or otherwise, any land or real estate necessary for laying and maintaining aqueducts for conducting and discharging, disposing of and distributing water, and for forming reservoirs. But nothing in this act shall be taken or construed to prevent the owners of mills, or of mill privileges on the stream flowing through the outlet of said pond, from using the water thereof in the same manner that they now do or have heretofore done; but said mill owners shall not, nor shall any other person or persons be permitted, either by cutting below the pipes of said corporation or in any other way to withdraw the water or to obstruct the water works of said corporation.

Authorized to convey water to Rockland.

Mill owners not prohibited the use of the water, &c.

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

Description of land taken to be filed with the register of deeds.

SECT. 5. Said corporation may construct an aqueduct in manner aforesaid, from said Tolman's pond to, into and through the village of Rockland, and secure and maintain reservoirs; may distribute the water by means of pipes throughout said village; may regulate the use of said water, and establish, subject to the control of the legislature, the prices and rents to be paid therefor. And the said corporation may, for the purposes aforesaid, carry and conduct any aqueducts under any water-course, street, highway, railroad or other way, in such manner as not to obstruct or impede travel thereon; and may enter upon and dig up any such road, street or way, for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same, and in general to do

Aqueduct, pipes and reservoirs.

Aqueduct may cross water courses, streets, &c.

CHAP. 381.

any other acts and things necessary, convenient and proper, to be done for the purposes of this act.

Owners of mill privileges entitled to damages.

SECT. 6. If said corporation in the exercise of the powers herein granted, shall damage the mill privileges on the stream flowing through the outlet of said pond, by reducing the water below its ordinary and usual depth, or in any other way, the owners of said mill privileges shall be entitled to compensation for said damage, and in case such owner and said corporation shall not mutually agree upon the sum to be paid therefor, such owner may cause his damages to be ascertained by complaint in which all the parties interested in any particular mill privilege claiming to have been damaged shall be joined, to the supreme judicial court, at any term thereof held in the county of Lincoln, and said corporation shall be held to answer and plead thereto, and all questions of fact arising upon said pleadings shall be presented to and settled by a jury, unless the parties shall agree to a committee of referees; and all questions of law shall be settled by the court as in other civil suits, to final judgment and execution. And such final judgment shall be the measure of yearly damages until the parties issue a new complaint to the court to be filed by either party, and by similar proceedings, as in the former case, shall obtain an increase or decrease of said damages, and the prevailing party shall be entitled to his legal costs as in personal actions. And if said judgment shall not be satisfied within one year, said court upon written application and proof of the fact, are hereby empowered to order the use of the water of said pond to be discontinued by said corporation and may issue process to enforce said order.

Damages, how ascertained and determined.

Final judgment to be the measure of yearly damages.

Corporation liable for damages.

SECT. 7. 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 excavating through any land for the purpose of laying down pipes. 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 and limitations as are by law prescribed in the case of damages by the laying out of highways.

Damages, how ascertained in case of disagreement.

Right of the town of Rockland to take said works at the expiration of ten years.

SECT. 8. The town 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 per cent. thereon; and in case said town and said corporation shall not agree upon the sum to be paid therefor, the supreme judicial court at any term thereof holden in the county of Lincoln, upon application of said town, shall appoint three commissioners whose duty it shall be to hear the parties, and determine what sum said corporation has expended under the provisions of this act, the report of whom or a major part of whom shall be made at the next term of said court succeeding their appointment, and when accepted by the court shall be final; and upon payment of that sum the franchise of said corporation, with all the property, rights, powers and privileges, shall vest in and belong to said town of Rockland.

In case of disagreement, damages, how adjusted.

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

Corporation to be organized, &c., within two years.

SECT. 10. Any person who shall corrupt the waters of said Tolman's pond, or render them impure, or who shall throw or leave the carcasses of dead animals, or other offensive matter or materials upon the said pond when frozen over, or who shall 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 damage to said company, to be recovered in any proper action; and every such person on conviction of either of said acts aforesaid, shall be punished by fine not exceeding one hundred dollars and by imprisonment not exceeding six months. But nothing in this section shall be construed to prevent the inhabitants in the vicinity of said pond or the public from watering their animals therein and crossing the same as heretofore.

Penalty for corrupting the water and destroying the fixtures of said company.

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

First meeting, how called.

[Approved August 20, 1850.]