

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

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.
1887.

ACTS AND RESOLVES

OF THE

SIXTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE.

1889.

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

AUGUSTA:
BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1889.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1889.

Chapter 552.

An Act to amend the charter of the Portland Street Sprinkling Company.

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

SECT. 1. The Portland Street Sprinkling Company, a corporation organized under the general law of this state for street sprinkling and other purposes, whose certificate of organization was filed in the office of the secretary of state on the third day of April, eighteen hundred and eighty-six, and whose place of business is in the city of Portland, in the state of Maine, is hereby authorized to lay down in and through the streets of said city of Portland, and 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 city council by two thirds concurrent vote therefor, and under such restrictions and regulations as the said city council by two-thirds concurrent vote may see fit to prescribe, and any obstruction in any street of said city, or taking up or displacement of any portion of any street without such consent of the city council by two-thirds concurrent vote, 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 city all sums of money that said city may be obliged to pay on any judgment recovered against said city for damages occasioned by any obstructions, or taking up, or displacement of any street by said company whatever, with or without the consent of the city council by two-thirds concurrent vote, together with the counsel fees and other expenses incurred by said city in defending any suit to recover damages as aforesaid, with interest on the same, to be recovered in an action for money paid to the use of said company.

Corporation authorized to lay pipes.

—restrictions and regulations.

—damages for obstructing streets.

SECT. 2. Whenever the company shall lay down any pipes or aqueducts in any street, or make any alteration or repairs upon their works in any street they shall cause the same to be done with as little obstruction to the public travel as may be practicable, and shall at their own expense, without unnecessary delay, cause the earth and pavement removed by them to be replaced in proper condition. They shall not be

Shall not obstruct travel.

CHAP. 552

—shall not
impair any
public or private
sewer.

—liability.

Negligence,
how punished.

—damages, how
recovered.

City council,
shall control
acts of cor-
poration.

allowed, in any case, to obstruct or impair the use of any public or private 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 a manner as not to obstruct or impair the use thereof, being liable for any injury occasioned by any such crossing or alteration, to the owner thereof, or any other person, in an action upon the case.

SECT. 3. If said company or any of their servants or officers employed in effecting the objects of the company, shall wilfully or negligently place or leave any obstruction in any of the streets of Portland, beyond what is actually necessary in constructing their works, laying down, taking up and repairing their pipes and fixtures, or shall wilfully or negligently omit to repair and put in proper condition any street in which the earth or pavement may have been removed by them, 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 fines 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 city. If any person shall suffer injury in his person or property by reason of any such negligence, wilfulness 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.

SECT. 4. The city council 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 city.

SECT. 5. This act shall take effect when approved.

Approved March 13, 1889.