

# MAINE STATE LEGISLATURE

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THE  
REVISED STATUTES

OF THE  
STATE OF MAINE,

PASSED JANUARY 25, 1871;

TO WHICH ARE PREFIXED  
THE CONSTITUTIONS

OF THE  
UNITED STATES AND OF THE STATE OF MAINE:

WITH AN APPENDIX.

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BY AUTHORITY OF THE LEGISLATURE.



PORTLAND:  
PUBLISHED BY BAILEY & NOYES.

**CHAP. 54.** such person or company shall forfeit a like sum ; and if such operator or agent willfully divulges any part of the contents of a private dispatch entrusted to him for transmission or delivery, he shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not more than three months.

Operator or other employees not exonerated for frauds, or company, from common law liabilities. R. S. c. 53, § 3, 43 Me. 492. Person desiring to disconnect or remove telegraph wires, first to give notice to company. Penalty for doing it without. 1868, c. 140, §§ 1, 2.

**SEC. 2.** Nothing herein shall exonerate any operator, agent, clerk, or other officer, employed on a telegraph line, from liability for any act of fraud committed or attempted by means of telegraphic communication ; or the company from any liabilities existing at common law for any neglect or wrong doing of such company or its agents.

**SEC. 3.** A person desiring to disconnect or remove the wires of a telegraph company to move a building or for any other purpose, shall leave a written statement of the time and place at their office, if they have any in that town, twenty-four hours before the time fixed, if not he shall send it by mail, post paid, to their nearest office, three days before the time ; and whoever disconnects or removes such wires without first giving such notice, shall be punished by fine not exceeding five hundred dollars, or by imprisonment not more than three years.

How damages for taking land are to be estimated and paid. 1867, c. 65.

**SEC. 4.** When a telegraph company is authorized to locate its line over the lands of an individual or corporation, and the parties cannot agree on the damages occasioned thereby, they shall be estimated, secured and paid in the manner provided in case of land taken for railroads.

## CHAPTER 54.

### AQUEDUCTS.

- SEC. 1.** Meeting of proprietors of aqueducts for incorporations, how called.
2. Declared a corporation ; may decide how to call future meetings, choose clerk to be sworn, directors and other officers.
3. Directors to choose president, make assessments and collect same by suit or sale of shares.
4. Registry of shares and transfers.
5. Manner of voting ; may impose penalties for breach of by-laws ; hold real estate and dig up and open roads to lay or repair pipes, but not to prevent passage of teams.
6. Shares may be sold for debts of holders ; and franchise, pipes, fountains and real interests liable to be attached and sold for corporate debts as personal property. Corporation has two months to redeem, and if not so redeemed, franchise and property vests in purchaser. Execution satisfied by ineffectual sale, revived by *scire facias*.
7. Penalty for injuring on aqueduct.
8. Towns may draw water in case of fires from pipes free of expense.

SEC. 9. Corporate powers continue after dissolution to close business; and if judgments are not satisfied in six months, private property of shareholders may be seized and sold therefor.

CHAP. 54.

10. Proprietors, tenants in common of property left at dissolution.

SEC. 1. Any persons associated by agreement in writing as proprietors of an aqueduct, for the purpose of conveying fresh water into or within any town, or of any funds for establishing such aqueduct, may apply, in writing, to some justice of the peace for the county in which any portion of the aqueduct is situated, or is proposed to be made, stating the name and style of their association, and the objects of their proposed meeting, and requesting such justice to issue his warrant to some one of the persons applying, directing him to call such meeting; and such justice may thereupon issue his warrant accordingly, stating therein the time, place, and object of such meeting; and the proprietor, to whom the warrant is directed, shall notify such meeting, by posting up the substance of the warrant, with his notice annexed thereto, seven days at least before the meeting, in some public place in every town in which any portion of the aqueduct is, or is proposed to be made.

Meetings of proprietors for incorporation, how called.  
R. S. c. 54, § 1.

SEC. 2. The proprietors assembled under such warrant, and their successors and assigns, shall be a corporation by the name stated in their application; and may at any legal meeting, agree on the manner of calling future meetings; choose any number of directors and other officers to manage their business, and a clerk who shall be sworn, and record all by-laws, votes and other proceedings of the corporation in books provided and kept by him for that purpose, open to the inspection of any person appointed by the legislature for that purpose.

Proprietors become a corporation, and may agree how to call future meetings and choose clerk, directors, and other officers.  
R. S. c. 54, §§ 2, 3, 5.

SEC. 3. The directors shall choose one of their number president; and may make such assessments on the proprietors of the shares in such aqueduct or funds as they find necessary; and if a proprietor fails to pay such assessment for thirty days after notice thereof they may maintain an action on the case in their corporate name to recover the amount thereof, or may sell, at auction, so many of his shares, as will be sufficient to pay the same, with necessary charges; the sale of such shares shall be first notified, by advertising in some newspaper printed in the county three weeks successively, or by posting up notifications thereof, twenty days at least before the sale, in some public places in each of the towns wherein such aqueduct is, or is proposed to be made; and the surplus moneys, if any, arising from such sale, shall be paid to the owner of the share so sold.

Directors to choose president, make assessments, and collect them by suit or sale of shares.  
R. S. c. 54, §§ 5, 6.

SEC. 4. At or immediately after the first meeting, the clerk shall enter, in such books, the names of the several proprietors, and the shares owned by each; and the subsequent transfer of shares shall

Registry of shares and transfers.  
R. S. c. 54, § 4.

**CHAP. 54.** also be entered by him, within three months after it is made, in such form and for such fees as the directors order; and no person shall be deemed a proprietor, whose share or interest is not so entered.

Manner of voting; may impose penalties for breach of by-laws; hold real estate and dig up and open roads to lay or repair pipes; but not to prevent passage of teams.

R. S. c. 54, §§ 7, 8, 10, 11, 1867, c. 104.

Shares may be sold for debts of holders; and franchise, pipes, fountains and real interests may be attached and sold for corporate debts as personal property. Corporation has two months to redeem; if not so redeemed, franchise and property vests in purchaser.

Execution satisfied by ineffectual sale, may be revived by *scire facias*.

R. S. c. 54, § 9, 1862, c. 80, §§ 1, 2, 3.

Penalty for injuring an aqueduct.

R. S. c. 54, § 12.

Towns may draw water from pipes free of expense in case of fire.

R. S. c. 54, § 13.

Corporate powers continue after dissolution to close business; and if judgments are not satisfied in six months, private property of share holders may be seized and sold therefor.

R. S. c. 54, §§ 14, 15.

**SEC. 5.** The proprietors have one vote for each share, and may vote by proxy; they may impose penalties for the breach of their by-laws not exceeding thirty dollars for each offence; may purchase and hold real estate necessary for their purpose not exceeding thirty thousand dollars in value; and with the written consent of the municipal officers, they or any individual, may dig up or open any road for the purpose of laying their pipes, or repairing or extending their aqueduct; but not to prevent the convenient passage of teams and carriages.

**SEC. 6.** Shares in such corporation are personal estate and may be attached on a writ and sold on execution for the debts of the holders like shares in other corporations; and the franchises, fixtures, pipes, fountains and interests in lands of such corporations are liable to attachment and sale on execution, as personal property, for their corporate debts; but the purchaser thereof at such sale, shall not interfere with the possession of the corporation for two months after the sale; and within that time, it may redeem such franchise and property by paying the sum for which they were sold with interest; but if not so redeemed, the purchaser shall have the same rights under the franchise and to such property as the corporation had. Any creditor of such corporation, whose execution has been satisfied by an ineffectual sale of such franchise or property, may revive the judgment by *scire facias*.

**SEC. 7.** Whoever maliciously injures any such aqueduct or any of its appurtenances, forfeits a sum not exceeding twenty dollars to the use of the town, to be recovered by indictment; and is liable in a civil action, brought by the corporation, to pay treble the amount of the damages sustained thereby.

**SEC. 8.** A town where such aqueduct is located may put conductors into its pipes and draw water, free of expense, to extinguish the fire of a burning building, if they are so secured that water shall be drawn for that purpose only.

**SEC. 9.** All contracts made by or with such corporation, are in force after its dissolution; and the last shareholders shall have a corporate capacity and may prosecute and defend suits respecting such contracts, commenced within six years after the dissolution, or after the cause of action accrued; and if no corporate property can be found to satisfy such judgments, and they are not satisfied within six months, the creditors may satisfy them from the private property of the shareholders as if the judgment had been against them in their private capacity.

SEC. 10. If such corporation owns any estate at its dissolution the proprietors shall be tenants in common thereof in proportion to the shares or interest which they hold in its stock.

CHAP. 55.  
Proprietors,  
tenants in  
common of  
property left  
at dissolution.  
R. S. c. 54, § 16.

CHAPTER 55.

LIBRARIES, CHARITABLE SOCIETIES, AND PUBLIC CEMETERIES.

- SEC. 1. Application to a justice of the peace to call the first meeting.
- 2. Notice of the meeting how given.
- 3. Manner of organizing into a body corporate. Powers, duties, and liabilities incident thereto.
- 4. What estate real and personal it may hold, and for what purpose.
- 5. Corporations for charitable and benevolent purposes not to sue their members, or be sued by them, for dues or benefits.
- 6. County law library association, how organized.
- 7, 8. Duties of treasurer and clerk thereof.
- 9. Towns may establish public libraries, and raise money therefor.
- 10. Towns and plantations may receive gifts for public libraries; and when such plantation is incorporated, they vest in the town.
- 11. How proprietors of public cemeteries may be incorporated. Their property and stock exempt from attachment and taxation.

SEC. 1. When seven or more persons desire to be incorporated as the proprietors of a social, military, literary, scientific, or a county law library; as a masonic lodge, or chapter of any order or degree; as a lodge of the independent order of odd fellows; as a division of the sons of temperance; as a tent of Rechabites; or as a society to promote in any way the cause of temperance; or for any literary, scientific, musical, charitable, or benevolent purpose whatsoever, they may apply in writing to any justice of the peace in the county, and he may issue his warrant, directed to one of said applicants, requiring him to call a meeting of the applicants, at such time and place as the justice appoints.

Application to  
a justice of the  
peace to call  
the first  
meeting.  
R. S. c. 55, § 1.

SEC. 2. He may call it, by reading the warrant in the presence and hearing of each, or by leaving an attested copy thereof at his last and usual place of abode, at least fourteen days before the day of meeting, or by publishing an attested copy thereof in some newspaper printed in said county, two weeks successively, the first publication to be at least fourteen days before the day of meeting.

Notice of the  
meeting how  
given.  
R. S. c. 55, § 2.

SEC. 3. When assembled pursuant to the warrant, they may organize themselves into a corporation, with such name as they then adopt, and they, their associates, and successors may have continual succession; have a common seal; elect all necessary officers; adopt by-laws, not inconsistent with the laws of the state, and enforce the

Manner of  
organizing  
into a body  
corporate, &c.  
R. S. c. 55, § 3.