

MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE
REVISED STATUTES

OF THE

STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



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CHAP. 54.

CHAPTER 54.

AQUEDUCTS.

- SEC. 1. Meeting of proprietors of aqueducts for incorporation, how called.
2. Declared a corporation; may decide how to call future meetings, and choose clerk, 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 may 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, may be revived by scire facias.
7. Penalty for injuring an aqueduct.
8. Towns may draw water in case of fires from pipes, free of expense.
9. Corporate powers continue after dissolution in order to close business; if judgments are not satisfied in six months, private property of shareholders may be seized and sold therefor.
10. Proprietors are tenants in common of property left at dissolution.

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

SEC. 1. Any persons associated by agreement in writing as proprietors of an aqueduct, for conveying fresh water into or within any town, or as proprietors of funds for establishing such aqueduct, may apply, in writing, to some justice of the peace for the county in which any portion thereof 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 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.

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

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 shall record all by-laws, votes and other proceedings of the corporation, in books provided and kept by him therefor, open to the inspection of any person appointed by the legislature for that purpose.

Directors to choose president, make assessments, and collect them by suit, or by

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, 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 are 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 notifications thereof, twenty days at least before the sale, in some public places in each town wherein such aqueduct is, or is proposed to be made; and the surplus money, if any, arising from such sale, shall be paid to the owner of the share so sold.

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 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.

SEC. 5. The proprietors have one vote for each share, and may vote by proxy; for the breach of their by-laws they may impose penalties 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 person, may dig up or open any road for the purpose of laying their pipes, or repairing or extending their aqueduct; but not so as 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 such aqueduct or any of its appurtenances, forfeits not exceeding twenty dollars to 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 fire in a burning building, if such conductors 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

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sale of shares.
R.S., c. 54, § 3.

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

Manner of
voting; may
fine for
breach of
by-laws; hold
land and dig
up roads to
lay or repair
pipes; but
not to prevent
passage of
teams.
R.S., c. 54, § 5.

Shares sold
for debts
of holders;
franchise,
pipes, foun-
tains, &c.,
may be sold
for corporate
debts; two
months to
redeem; then
franchise,
&c., vests in
purchaser;
execution,
satisfied by
ineffectual
sale, may be
revived by
scire facias.
R.S., c. 54, § 6.

Penalty for
injuring an
aqueduct.
R.S., c. 54, § 7.

Town may
use pipes in
case of fire.
R.S., c. 54, § 8.
See c. 6, § 6,
¶ 10.

Corporate
powers con-
tinue after
dissolution;
if judgments
are not paid
in six months,
shareholders'

CHAP. 54. 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.

Proprietors, tenants in common of property left. R.S., c. 54, § 10. 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.

CHAPTER 55.

LIBRARIES, CHARITABLE SOCIETIES, AND PUBLIC CEMETERIES.

LIBRARIES AND CHARITABLE SOCIETIES.

- SEC. 1. Application to a justice of the peace to call the first meeting.
2. Notice of the meeting, how given.
3. Manner of organization. Powers, duties, and liabilities.
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; when such plantation is incorporated, they vest in the town.

PUBLIC CEMETERIES.

- SEC. 11. How proprietors of public cemeteries may be incorporated. Their property and stock are exempt from attachment and taxation.

LIBRARIES AND CHARITABLE SOCIETIES.

Libraries, and societies for certain charitable, literary, social, moral and benevolent purposes, how incorporated, 1883, c. 136.

SEC. 1. When seven or more persons desire to be incorporated as proprietors of a social, military, literary, scientific, or county law library; as a masonic lodge, or chapter of any order or degree; as lodge of the independent order of odd fellows; as a division of the sons of temperance; as a tent of rechabites; as a grange of patrons of husbandry; as a council of the sovereigns of industry; as a relief or benefit association for mutual assistance; as a monument, or memorial association; as a society to promote temperance; or for any literary, scientific, musical, charitable, educational, social, military, agricultural, moral, religious, or benevolent purpose; they may apply in writing to any justice of the peace in the county, who may issue his warrant directed to one of said applicants, requiring him to call a meeting thereof at such time and place as the justice appoints.

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

SEC. 2. The justice 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, for two weeks successively, the first publication to be at least fourteen days before the day of meeting.