

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

PASSED BY THE

## TWENTY-NINTH LEGISLATURE

OF THE

## STATE OF MAINE,

A. D. 1849.

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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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**Augusta:**  
WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1849.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1849.

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CHAP. 288. fifty-six or if said corporation shall fail to complete said railroad on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and sixty-three, in either of the abovementioned cases, this act shall be null and void.

**First meeting.** SECT. 19. Any seven of the persons named in the first section of this act are hereby authorized to call the first meeting of said corporation, by giving notice in one or more newspapers, published in the city of Bath and the town of East Thomaston, and such other towns or cities as they may appoint, of the time and place and the purposes of such meeting, at least twenty days before the time named in such notice

**Books of subscription to be opened.** SECT. 20. And for the purpose of receiving subscriptions to the capital stock of said railroad, books shall be opened under the direction of the persons named in the first section of this act, at such time as they may determine, in the city of Bath and the town of East Thomaston and in such towns and cities, elsewhere, as they shall appoint, to remain open at least ten successive days, of which times and places of subscription public notice shall be given in some newspaper published in the city of Bath and the town of East Thomaston, and such other places as they shall direct, twenty days at least, previous to the opening of said books of subscription; and in case the amount subscribed shall exceed twenty thousand shares the same shall be distributed among all the subscribers according to such regulations as the persons having charge of the opening of the books of subscription shall, before the opening thereof prescribe and determine.

**Notice of the time and places to be given.**

**Regulations.**

[Approved August 13, 1849.]

## Chapter 288.

An act to incorporate the Portland Gas Light Company.

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

**Corporators.** SECT. 1. Charles Q. Clapp, A. W. H. Clapp, John Neal, Abner Crowell, Francis O. J. Smith, Horace V. Bartol and Henry B. McCobb, their associates and successors are hereby constituted a body politic and corporate by the name of the Portland Gas-Light Company, and by that name shall have and

**Corporate name.**

**Powers and duties.**

enjoy all the necessary powers and privileges to effect the objects

of their association, and shall be subject to such duties, liabilities and exemptions as are or may be provided by the general laws of this state in the case of manufacturing corporations.

SECT. 2. The capital stock of said company shall be not less than thirty thousand dollars nor more than one hundred thousand dollars, and shall be divided into shares of one hundred dollars each. The said capital stock shall be applied exclusively to the manufacture and distribution of gas for the purpose of lighting the city of Portland; *provided*, that said company shall not have power to erect, establish or continue any works for the manufacture of gas at any place within the limits of the said city of Portland, without the previous assent of the city council, and a specific assignment of the boundaries of such establishment, and such erection, establishment or continuance without such previous consent, shall be considered a nuisance, and said company shall be liable to indictment therefor, and to all the provisions of law applicable thereto. And nothing contained in this act shall be construed to affect or diminish the liabilities of said company for any injury to private property, by depreciating the value thereof, or otherwise, but said company shall be liable therefor in an action on the case.

Capital stock.

How applied.

Proviso.

Liability for injury to private property.

SECT. 3. The said company are hereby authorized to lay down in and through the streets of said city, and to take up, replace and repair all such pipes and fixtures as may be necessary for the objects of their incorporation, first having obtained the consent of the city council therefor, and under such restrictions and regulations as said city council 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, or contrary to the restrictions or 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, together with 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.

Regulation for laying down pipes, fixtures, &c.

Liability to city for damages.

SECT. 4. Whenever the company shall lay down any pipes,

Obstruction to

CHAP. 288.

public travel in laying down, erecting, or repairing works.

Not to obstruct or impair the use of any drain, &c.

City council authorized to contract for lighting streets and public buildings.

Exclusive privileges granted under certain conditions.

Proviso.

Directors.

or erect any fixtures 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 pavements removed by them, to be replaced in proper condition. They shall not be 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 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. 5. The city council of the city of Portland, are hereby authorized to contract with said company for lighting the streets and public buildings of said city, and the moneys necessary to be expended therefor, shall be assessed and collected in the same manner as taxes for other purposes.

SECT. 6. If the said company shall be duly organized within two years from the passage of this act, and shall within that time, have raised and expended at least ten thousand dollars for the objects of their incorporation, and shall have actually commenced the lighting of the city with gas, they shall then have and enjoy the franchise and privileges granted them by this act, exclusively, for the term of thirty years from the date of their organization, subject to the terms and limitations hereinafter prescribed, and subject to all such regulations and control as may, by law, be exercised over corporations by the judicial tribunals of this state; *provided*, and this grant is upon the condition, that said company should at all times, and within a reasonable time after request by the city council of Portland, supply with gas, to such an extent and in such a manner as may be required, any street or public buildings, at a fair and reasonable rate of payment therefor, and in case said parties cannot agree upon the rate of payment, said company shall be obliged to furnish said gas at a rate to be fixed by three disinterested persons, to be selected one by each of said parties, and a third by the two thus selected, who shall be paid for their services by said parties equally, and if said company shall at any time refuse, or unreasonably neglect to comply with this condition, the exclusive privilege herein granted shall be of no effect.

SECT. 7. The management of the affairs of the company,

and all expenditures made for the purposes authorized by this act shall be directed by a board of directors, to be chosen annually, of such number as may be prescribed by the by-laws of the company. The accounts of the company shall be kept by a treasurer, who shall be chosen by the directors. The directors shall severally be sworn before the clerk of the corporation to make true and faithful exhibits in their records, of all expenditures directed or allowed by them for the purposes authorized by this act. The treasurer shall in like manner be sworn to make and keep true and distinct accounts of all expenditures authorized by the directors, and paid by him from the funds of the company.

Treasurer.

SECT. 8. At any time after the organization of the company, the city of Portland shall be authorized, upon a vote of the city council to that effect, to take and hold in the capital stock of the company, an amount not exceeding one half thereof, upon paying to the company a like proportional part of the cost, up to such time, of all their buildings, works, fixtures, pipes and other property, and ten per cent. of such proportional part in addition thereto. The amount so received by the company for the proportional part so taken by the city shall be distributed and paid over to the other stockholders, in proportion to their several interests, and the par value of the several shares held by them shall be reduced accordingly. The company shall, at the same time create and issue to the city such a number of shares of the same par value, together with a fractional share, if necessary, as shall represent the whole amount paid by the city for the proportional part of the capital stock so taken. At all meetings of the stockholders of the company, the shares held by the city shall be represented by such agent as the city council may by vote, from time to time appoint, who shall be entitled to cast one vote for every share held by the city. And if said company shall neglect to comply with the provisions of this section for the space of one month after an offer and request from the mayor to that effect, all the rights and privileges of said company shall wholly cease and be of no effect.

City of Portland authorized to take and hold stock in said company.

Amount received for such stock to be paid over to other stockholders.

Value of the shares reduced accordingly. Shares created and issued to city.

How represented.

Rights and privileges void if company neglect to comply within one month.

SECT. 9. At the expiration of the term of thirty years named in the seventh section of this act, the city of Portland shall be authorized, upon the vote of the city council to that effect, to pay to said company the appraised value of their said buildings, works, pipes, fixtures and other property, and upon such payment, may take and hold all said property, without

Authority of city to take the property of said company at its appraised value, after thirty years.

CHAP. 288.

Appraisers, how appointed.

any right, privilege or franchise remaining to said company, and may dispose of said property in such manner as the city council shall determine. For the purpose of making the valuation aforesaid, the city council shall, within three months before the expiration of the thirty years aforesaid, give notice to the company and appoint two disinterested persons, and the company shall appoint two other disinterested persons to be appraisers, and the four persons so appointed, shall appoint a fifth disinterested person to be one of the appraisers. If the company shall neglect or omit, for two months after the notice aforesaid, to appoint appraisers on its part, then the two appraisers appointed by the city council shall be authorized to make the appraisal, and the decision of the appraisers in either case shall be final. And if said company shall neglect or refuse for the space of one month after an appraisal shall have been made in pursuance of the provisions of this section, and after said city shall have notified said company of its readiness to take said property at such appraisal, to deliver all its aforesaid property to said city, and to execute good and sufficient conveyances thereof, then said city may take possession of said property and hold the same as is hereinbefore provided, being responsible to said company to pay the appraised value aforesaid, and no sale of said property, at any time, by said company, in derogation of the rights of said city herein specified, shall be valid, and the rights and privileges of said company as a corporation shall wholly cease from and after their refusal as aforesaid.

Provision in case said company should neglect or refuse to deliver its aforesaid property to the city.

Exclusive privileges continued to said company for twelve years, in case said city should not take the property.

SECT. 10. If the city of Portland shall not so pay for and take the property of the company, at the appraisal so made, then the franchise and privileges hereby granted to said company, shall be continued to them and shall be held and enjoyed by them exclusively, for a further term of twelve years after the expiration of the thirty years aforesaid, subject to the limitation prescribed in the ninth section of this act.

Liability of company for willfully or negligently leaving obstructions in any street.

SECT. 11. If the said company or any of their servants or officers employed in effecting the objects of the company, shall willfully or negligently place or leave any obstructions in any of the streets of Portland, beyond what is actually necessary in laying down, taking up and repairing their fixtures, or shall willfully or negligently omit to repair and put in proper condition any street, in which the earth or pavements may have been removed by them, the company shall be subject to indictment therefor, in the same manner that towns are subject to

—or for neglecting to repair any street, &c.



indictment for bad roads, and shall be holden to pay such fine as may be imposed therefor, which fine shall be collected, applied and expended in the same manner as is provided in case of the indictments 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 willfulness 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. 12. The mayor and aldermen 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. 13. This act shall be taken and deemed to be a public act, and shall be in force from and after its approval by the governor.

[Approved August 14, 1849.]

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Fine, how collected and applied.

Liable for personal injury by reason of said negligence, &c.

Rights of mayor and aldermen in certain cases.

Chapter 289.

An act to apportion and assess on the inhabitants of this state a tax of two hundred thousand, seven hundred fifty-seven dollars, twenty three cents, for the year one thousand eight hundred and fifty.

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

SECT. 1. That each city, town, plantation or other place hereinafter named, within this state, shall be assessed and pay the several sums with which they respectively stand charged.

State tax.

COUNTY OF YORK.

Acton,	Five hundred twenty-four dollars, eighty-four cents,	524 84
Alfred,	Five hundred seventy-three dollars, forty-four cents,	573 44
Berwick,	Five hundred ten dollars, fifty-two cents,	510 52
Biddeford,	Eleven hundred eighteen dollars, twenty cents,	1,118 20
Buxton,	Eight hundred seventy-four dollars, four cents,	874 04
Cornish,	Three hundred ninety-four dollars, fifty-four cents,	394 54
Eliot,	Six hundred eleven dollars, sixty-two cents,	611 62
Hollis,	Eight hundred dollars, sixty-four cents,	800 64
Kennebunk,	Sixteen hundred and twenty-six dollars,	1,626 00
Kennebunkport,	Eleven hundred one dollars, fifty-eight cents,	1,101 58
Kittery,	Six hundred fifty-four dollars, eight cents,	654 08