

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,  
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1850.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1850.

CHAP. 409.

Chapter 409.

An act additional to the act granting a city charter to the inhabitants of Gardiner.

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

Number of aldermen and common councilmen for each ward.

SECT. 1. The city of Gardiner shall be divided into six wards instead of the number now provided by law, and there shall be one alderman and three common councilmen in each ward to be chosen in the same manner as heretofore.

Act, when to take effect.

SECT. 2. This act shall be in force from and after its acceptance by the city council of the city of Gardiner.

[Approved August 28, 1850.]

Chapter 410.

An act to incorporate the Bangor Gas Light Company.

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

Incorporators.

SECT. 1. Oliver Frost, William H. Mills, Albert Houlton, George A. Thatcher, Leonard March, James Dunning, Albert Emerson, Moses L. Appleton, Nathaniel H. Dillingham and John A. Peters, their associates and successors, are hereby constituted a body politic and corporate, by the name of the

Corporate name.

Bangor Gas Light Company, and by that name shall have and 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.

Capital stock.

SECT. 2. The capital stock of said company shall not be less than thirty thousand dollars, nor more than one hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

How applied.

The said capital stock shall be applied exclusively to the manufacture and distribution of gas for the purpose of lighting the city of Bangor ; *provided*, that said

Proviso.

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 Bangor, 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

Not authorized to construct works within the city without permission of the city authorities.

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nuisance, and said company shall be liable to indictment therefor, and to all the provisions of law applicable thereunto. 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.

Liabilities for damages to property, &c.

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 obstructions 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.

Authority to lay down pipes, &c.

Obstructing streets, &c.

Penalty

Liable for all damages paid by said city on account of said works.

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

Construction, alterations and repairs to be done with as little detriment to the public travel as possible.

Not allowed to impair drains, &c.

Power to cross or change the course of drains, &c.

Liable for injury, &c.

SECT. 5. The city council of the city of Bangor are hereby

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Lighting streets,
&c.

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.

Organization, &c.

SECT. 6. If the said company shall be duly organized within three 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 shall at all times, and within a reasonable time after request by the city council of Bangor, 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.

Limitation of
charter, &c.

Proviso.

To supply the
city of Bangor
with gas.

Directors.

—how chosen,
and tenure of
office.

Treasurer.

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, duties
of, &c.City of Bangor
authorized to
take stock, &c.

SECT. 8. At any time after the organization of the company, the city of Bangor 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 payment 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 right and privileges of said company shall wholly cease and be of no effect.

Amount to be distributed among the stockholders.

Authorized to create stock.

Shares held by the city, how represented, &c.

Penalty in case of neglect.

SECT. 9. At the expiration of the term of thirty years named in the seventh section of this act, the city of Bangor 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 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

City may take and hold said works at the expiration of thirty years.

Valuation of said works, how appraised.

In case of neglect of the company, appraisal, how made, &c.

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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 the 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.

In case of the neglect of the city of Bangor to pay for said works, &c., the property to vest in the company.

SECT. 10. If the city of Bangor 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.

Company liable for neglect, &c., of its officers or agents.

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 Bangor, 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 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.

Persons injured by neglect of officers or agents of said company, entitled to damages.

Mayor and aldermen power to regulate and control said works.

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.

CHAP. 411.

[Approved August 29, 1850.]

Chapter 411.

An act to amend chapter fifty-four of the special laws of eighteen hundred and forty-seven.

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

The second section of chapter fifty-four of the special laws of eighteen hundred and forty seven is hereby amended in the fourth line by striking out the words, nine, eleven and thirteen, and inserting the words, five, seven and nine.

Amendment.

[Approved August 29, 1850.]

Chapter 412.

An act to provide in part for the expenditures of government.

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

SECT. 1. In order to provide for the operation of certain acts and resolves of the legislature, requiring the payment of money from the treasury, and also to provide for the necessary expenditures of government for the current year, the following sums are hereby appropriated, to be paid out of any moneys in the treasury ; the sums to be in lieu of all existing appropriations whatever. And the governor with the advice and consent of the council, is hereby authorized at any time prior to the first day of May next, to draw his warrant upon the trasury for the same.

Appropriations.

Bank commissioners, four hundred and fifty dollars,	450 00
Penobscot Indian fund, five hundred dollars,	500 00
Expenses incurred in the observance of the obsequies of the late president Taylor, one hundred twelve dollars, forty-seven cents,	112 47
Lands reserved for public uses, thirty-five hundred dollars,	3,500 00
Military purposes, one thousand dollars,	1,000 00