

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1853.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
Feb. 26, 1840, and March 16, 1842.

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

1853.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1853.

SECT. 3. The principal office of said company shall be in one of the towns of Saco and Biddeford, but the company may establish subordinate offices in such other places as the interests of the corporation may require.

CHAP. 122:

Office, where kept.

SECT. 4. Any two of the persons named in the first section of this act, may call the first meeting of the corporators, by publishing a notice of the time and place of the meeting in any newspaper published in either of the towns of Saco or Biddeford, two weeks previous to the time designated for such meeting.

First meeting, how called.

SECT. 5. This act shall take effect and be in force from its approval by the governor.

[Approved March 23, 1853.]

Chapter 122.

An act authorizing Emery Davis to construct a wharf in tide waters in the town of Friendship.

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

Emery Davis is hereby authorized to construct and maintain a wharf on his own land in the town of Friendship, and to extend the same into tide waters of said town a distance of one hundred and thirty feet and of the width of twenty feet.

Authorized to construct a wharf, &c.

[Approved March 24, 1853.]

Chapter 123.

An act to incorporate the Belfast Gas Light Company.

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

SECT. 1. Humphrey N. Lancaster, Horatio H. Johnson, Axel Hayford, A. N. Noyes, George R. Lancaster, and A. T. Palmer, their associates and successors, are hereby constituted a body politic and corporate by the name of the Belfast 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.

Corporators.

Corporate name.

CHAP. 123.

Capital stock.

Shares.

Stock, how applied.

Proviso.

Corporation prohibited from erecting gas works without consent of city authorities.

Liability in case of neglect, &c.

Company authorized to repair their works, &c.

Obstructions of streets, &c., to be considered a nuisance.

Liability of company, &c.

Repairs, &c., how conducted.

SECT. 2. The capital stock of said company shall not be less than fifteen thousand dollars, nor more than fifty 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 Belfast; *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 said city of Belfast, without the previous assent of the city council, and a previous 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 relating thereto; and nothing contained in this act shall be construed to affect or diminish the liability of said company for any injury to private property by diminishing the value thereof or otherwise, but said company shall be liable therefor in an action of the case.

SECT. 3. The said company is 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 the taking up or displacing of any portion of any street without such consent of the city council, or contrary to the restrictions 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 be liable in all cases 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 obstruction, or taking up or displacement of any street, by said company, whatever, with or without the consent of the city council, together with fees of counsel 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.

SECT. 4. Whenever said 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 and 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 when 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 to any other person, in an action of the case.

CHAP. 123.

Drains, sewers, &c., obstructions of prohibited.

SECT. 5. The city council of said city of Belfast, is hereby authorized to contract with said company for lighting the streets and public buildings in said city; and the moneys necessary to be expended therefor may be assessed and collected in the same manner as taxes for other purposes.

Streets and public buildings, lighting of, &c.

SECT. 6. If the said company shall be duly organized within four years from the passage of this act and shall have expended or invested at least the sum of five thousand dollars for the objects of their incorporation, 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* this grant is upon condition that said company shall at all times and within a reasonable time after request by the city council of the city of Belfast, supply with gas to such an extent and in such 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 party, and the third by the two thus selected, who shall be paid by said parties equally for said service. And if said company shall at any time unreasonably neglect or refuse to comply with this condition, the exclusive privilege herein granted shall be of no effect.

Organization of company, &c.

Proviso.

Gas for lighting streets, &c., price how determined, &c.

Neglect of company to comply, &c., forfeiture.

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 a true and faithful exhibit in their records of all expendi-

Affairs of company, how managed, &c.

Accounts, how kept, &c. Directors and treasurer, qualification, &c.

CHAP. 124.

Right of city
of Belfast to
purchase
said works.

Notice to be
given.
Appraisers,
how chosen,
&c.

tures 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 said company.

SECT. 8. At the expiration of the term for which this franchise is granted, the said city of Belfast shall have the right, by a vote of the city council, to pay to said company the appraised value of all their works and fixtures; and, upon such payment, to take and hold the rights and privileges or franchise of said company, and may dispose of said property and franchise as the said city may by a vote of their council decide; and if said city shall elect to take said property and franchise, they shall give three months notice of their election to said company. And the said appraisers shall be chosen, two by said city council, two by said company, and a fifth by said four so chosen, and shall be disinterested persons.

SECT. 9. This act shall take effect and be in force from and after its approval by the governor.

[Approved March 24, 1853.]

Chapter 124.

An act to establish the Maine Universalist Educational Society.

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

Corporators.

Corporate
name.
May hold real
and personal
estate.
Objects of
corporation.

Powers,
privileges, &c.

SECT. 1. That Abram Sanborn, James P. Weston, Jerome Harris, A. S. French, Giles Bailey, Isaac Center, A. S. Stiles, William R. French, Lysander Cutler, Joseph A. Homan, H. H. Johnson, and Israel Washburn, junior, their associates and successors, be and they hereby are constituted a body politic and corporate by the name of the Maine Universalist Educational Society, with power to take and hold real and personal estate to an amount not exceeding thirty thousand dollars, for the purpose of promoting the cause of education in connection with the Universalist denomination, and to aid in the education of indigent young men of good reputation and promise, who may be desirous of entering the ministry, with all the powers and privileges usually granted to other similar corporations.

SECT. 2. This act shall take effect from and after its approval.

[Approved March 24, 1853.]