

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1853.

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

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1853.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1853.

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## CHAP. 167.

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one thousand, nor more than one hundred and fifty thousand shares of twenty pounds sterling each, or of one hundred dollars each as said company may elect; and said company may issue its bonds in sterling currency in the same manner as is now authorized by law.

SECT. 7. The European and North American Railway Company is hereby authorized to purchase or lease any portion of any other railroad which has been chartered and located, or may hereafter be located between the city of Bangor and the eastern boundary of the state, and may purchase or lease the Penobscot and Kennebec Railroad so as to form a connected line of road from the boundary aforesaid to the western terminus of said Penobscot and Kennebec Railroad. And in case of any such purchase, the stock and franchise of the company whose road shall be so purchased, shall be consolidated into and become a part of the stock and franchise of the European and North American Railway Company; and all the privileges and powers acquired by such purchase shall be held and enjoyed under the charter of said company, and said company shall be required to perform and discharge all the duties and liabilities imposed by law upon the company whose road shall be so purchased.

SECT. 8. A further time of one year from the passage of this act is hereby granted, within which the said Penobscot and Kennebec Railroad Company may make a new location of any part of their road between Waterville and Bangor, but not so as to cross the Kennebec river at any point further north than the present actual location of its road at Kendall's Mills.

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

[Approved March 29, 1853.]

## Chapter 167.

An act additional relating to the city of Portland.

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

SECT. 1. No person or corporation shall be allowed to extend any existing wharf in Portland harbor to a greater distance below low water mark than the same is now actually made, or hereafter to extend any new wharf below low water mark in

said harbor, except by and with the written assent and permission of the mayor and aldermen of said city first had and obtained; and any erection made as aforesaid without such written assent, shall be considered a nuisance and liable to all proceedings and penalties prescribed by law in cases of nuisance.

SECT. 2. The city marshal of Portland, or other persons legally qualified to execute criminal process within said city, shall have power, without warrant, to arrest and detain any person found in said city, upon information that such person has committed a crime in another state or country, or in any city or town within this state, and is a fugitive from justice, or is about to escape; and the person so arrested may be detained by such officer for a reasonable time, until such person can be delivered into proper or legal custody, on a warrant or otherwise, according to the nature of the case.

SECT. 3. The city council of said city of Portland may, by ordinance, prohibit the use and occupation of wooden buildings within such limits in said city as may be fixed and defined by said ordinance, for purposes which, in the opinion of said council, render such use and occupation dangerous to other buildings in the vicinity thereof. Said council may also, by ordinance, prohibit the erection of any wooden building in said city, or within such limits thereof as may be defined in said ordinance, of more than sixteen feet in height from the ground or foundation thereof, except under the following restrictions and limitations, namely: the dimensions of such building on the ground not to exceed twenty-five feet by fifty feet; or, being of any other proportion; not to cover more than twelve hundred and fifty superficial feet of land; the walls not to exceed twenty-five feet in height from the under side of the sills, which sills may be three feet above the level of the ground, to the eaves of the roof; the roof in the highest point thereof not to rise more than thirty-two feet from the under side of the sills aforesaid, and if required, to have at least one scuttle near the highest point of said roof; and where two or more such two story buildings as are hereinbefore specified shall be erected in connection or within four feet of each other, or within four feet of any other wooden building more than sixteen feet in height, said council may require that there shall be an entire brick or stone wall between them, commencing from the foundation of said wall, and to be at least eight inches in thickness throughout; and in case any openings are made through said walls the same to be secured against fire by iron doors to such openings; *provided, however,* that the mayor

Criminals and fugitives from justice, may be arrested without a warrant.

Person arrested may be detained.

Wooden buildings, use of for certain purposes prohibited.

Wooden buildings, erection of prohibited.

Dimensions of, &c., defined.

Walls of brick or stone to be erected in certain cases.

Dimensions of wall.

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Proviso.

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License may be granted in certain cases.

and aldermen of said city may, in writing, dispense with such brick or stone walls, or may grant licenses to erect wooden buildings of greater dimensions than are hereinbefore specified, in cases where they shall be of opinion that the same would not be dangerous, under such regulations as may be prescribed in the license therefor.

Penalty for violation of the provisions of the foregoing section.

SECT. 4. If any person or persons shall violate the provisions of an ordinance passed in pursuance of the preceding section, such person or persons shall forfeit and pay for every such offense, a sum not less than fifty or more than five hundred dollars, and shall be liable to a like forfeiture for each and every year that such offense shall remain or be continued; which forfeitures may be recovered to the use of said city by indictment in any court of competent jurisdiction or by an action of debt in any court competent to try the same, one-half to the use of the person who shall sue therefor, and the residue to the use of said city. And in addition to such forfeitures, any building hereafter used or erected, contrary to the provisions of any such ordinance, shall be deemed and taken to be a nuisance, and shall be liable to all the proceedings and penalties provided by law in cases of nuisance.

Forfeiture, how recovered and applied.

Certain buildings to be declared a nuisance.

Ordinances passed in pursuance of this act, when to be in force.

SECT. 5. This act shall take effect from and after its approval by the governor; but no ordinance passed in pursuance thereof shall be in force in said city, unless the two preceding sections of this act shall have been previously accepted by the city council by a vote of at least five of the aldermen and fourteen of the common council in favor thereof, and shall have been approved by the mayor, nor until such ordinance shall have been published in the Portland daily Advertiser and Argus for three weeks successively.

[Approved March 29, 1853.]

### Chapter 168.

An act to incorporate the Androscoggin Navigation Company.

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

Corporators.

SECT. 1. John Hearsey, Cornelius Holland, Hiram Ricker, Alvan Bolster, Calvin S. Brown, and such other persons as may hereafter associate with them, and their successors, hereby are created a body politic and corporate by the name of the Andros-

Corporate name.