

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE,

1858.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February  
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1858.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1858.

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**Chapter 219.**

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. Hiram O. Alden, James P. White, William H. Burrell, Thomas H. Marshall, William H. Conner, James P. Furber, Daniel Faunce, Reuben Sibley, William Frederick, Samuel Otis and Columbia P. Carter, 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.

Powers, privileges, &c.

SECT. 2. The capital stock of said company shall be not less than twenty, 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 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.

Capital stock.

—how applied.

Proviso.

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 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

Gas pipes.

CHAP. 219. 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 the said company.

—same subject.

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.

City of Belfast  
authorized to  
contract with  
company for  
lighting  
streets, &c.

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.

Company, or-  
ganization of.

SECT. 6. If the said company shall be duly organized within five 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 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 party, and the third by the two thus selected, who shall be paid by said parties equally for such service; and if such company

Proviso.

shall at any time unreasonably neglect or refuse to comply with this condition, the exclusive privilege herein granted shall be of no effect. CHAP. 220.

SECT. 7. The management of the affairs of said 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 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.

Directors.  
—how chosen.  
  
Treasurer.  
—how chosen.

SECT. 8. At the expiration of the time 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.

City, by vote of council authorized to take franchise, &c.  
  
Notice to company.  
  
Appraisers, how chosen.

SECT. 9. The city of Belfast, or any manufacturing or machine company, having its place of business in said city, may take and hold stock in said corporation not exceeding a sum, the legal interest of which will pay for the purpose of lighting the buildings of said companies, and the streets and buildings belonging to said city.

Certain companies may hold stock.

[Approved March 20, 1858.]

## Chapter 220.

An act to set off certain lands from Poland and annex the same to Otisfield.

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

SECT. 1. The tract of land bounded as follows: northerly by the Oxford county line; southwesterly by the easterly line of the town of Otisfield; and southeasterly by Thompson pond; containing about

Certain lands set off from Poland and annexed to Otisfield.