

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTIETH LEGISLATURE,

OF THE

STATE OF MAINE.

1871.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1871.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1871.

CHAP. 686.

Shares of company, par value not to exceed \$100,000.

First meeting, how called.

SECT. 3. The shares of said company shall be of such number as the directors may determine, the par value of the whole number not to exceed the aggregate sum of one hundred thousand dollars.

SECT. 4. Jotham P. Norton is hereby authorized to call the first meeting of the corporators at York, Maine, by giving to each of the others a written notice of the same seven days before such meeting.

SECT. 5. This act shall take effect when approved.

Approved February 22, 1871.

Chapter 686.

An act to incorporate the Saco Water Supply Company.

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

Corporators.

SECT. 1. Marshall Pierce, Joseph Hardy, Rufus P. Tapley, Moses Lowell, William Noyes, John Gains, Charles Hill, James M. Burbank, Oliver Dyer, Charles H. Milliken, Cornelius Sweetser, James Beatty, Charles Twambley, George A. Carter, John E. L. Kimball, Owen B. Chadbourne, John T. Cleaves, Jason W. Beatty, George H. Cleaves and Rishworth Jordan, with their associates and successors, are hereby made a corporation by the name of the Saco Water Supply Company, for the purpose of conveying to the city of Saco a supply of pure water for domestic and municipal purposes, including the extinguishment of fires, the supply of shipping, and the use of manufacturing establishments.

Name.

Purpose.

May hold real and personal estate.

SECT. 2. Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, not exceeding in amount three hundred thousand dollars.

Authorized to take and hold certain springs, or take water from Saco river.

SECT. 3. Said corporation is hereby authorized, for the purposes aforesaid, to take and hold the water of Philips' spring and Jordan's spring, so called, with the springs adjacent and the streams tributary thereto, in said city; or to take a sufficient amount of water for the purposes aforesaid from Saco river, and may also take and hold, by purchase or otherwise, any land or real estate necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining aqueducts for conducting, discharging, distributing and disposing of water, and for forming reservoirs thereof.

May hold land or real estate for erecting dams, &c.

Damages, liability for, and adjustment of.

SECT. 4. Said corporation shall be liable to pay all damages that shall be sustained by any persons in their property, by the taking of any land, springs or mill privilege, or by flowage or excavating through any land for the purpose of laying down

pipes, building dams or constructing reservoirs; and if any person sustaining damage as aforesaid, and said corporation shall not mutually agree upon the sum to be paid therefor, such person may cause his damages to be ascertained in the same manner and under the same conditions, restrictions and limitations, as are by law prescribed in the case of damages by the laying out of highways.

SECT. 5. The capital stock of said company shall not exceed three hundred thousand dollars, and shall be divided into shares of twenty-five dollars each. Said capital stock shall be applied exclusively to the supply and distribution of water for the purposes set forth in this act; and the company may organize whenever five thousand dollars is subscribed to its capital stock.

Capital stock and shares.

SECT. 6. The city of Saco shall have the right at any time within five years from the date of approval of this act, to take, exercise and control all the property, rights, powers and privileges of said corporation, on paying to said corporation the amount of money actually paid in and expended under the provisions of this act, with ten per centum additional; and in case said city and said corporation shall not agree upon the sum to be paid therefor, the supreme judicial court, at any term thereof holden in the county of York, upon application of said city, shall appoint three commissioners, whose duty it shall be to hear the parties and determine what amount has been expended under the provisions of this act, the report of whom or the major part of whom, when made and accepted by the court, shall be final; and upon payment of that sum the franchise of said corporation, with all the property, rights, powers and privileges, shall vest in and belong to said city of Saco.

City of Saco shall have the right to take, within five years, and exercise and control the property, &c.

In case the city and corporation do not agree upon the sum to be paid therefor, commissioners may be appointed by S. J. court.

Report of court to be final.

SECT. 7. If said corporation shall not be organized and its works put into actual operation within three years from the approval of this act, the city of Saco shall succeed to all the rights and privileges herein granted.

City to succeed to rights and privileges if works not completed within three years.

SECT. 8. Nothing contained in this act shall be construed to affect or diminish the liability of said corporation for any injury to private property by depreciating the value thereof or otherwise, but said corporation shall be liable therefor in an action on the case.

Liability of corporation for injury to private property.

SECT. 9. 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, aqueducts 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

Authorized to lay down, take up, replace and repair, pipes, aqueducts and fixtures, by consent of city council therefor.

Obstruction of streets prohibited.

CHAP. 686.

Damages occasioned by obstruction of streets, corporation liable for.

the city council, or contrary to the rules 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, 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.

Public travel not to be interfered with unreasonably.

SECT. 10. Whenever the company shall lay down any pipes or aqueducts 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 pavement 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 such crossing or alteration, to the owner thereof or any other person, in an action on the case.

Private drains not to be impaled, but may change the direction of such drains.

SECT. 11. Said corporation shall furnish at all times to the city of Saco, without expense to the city, for use in the public buildings and school-houses of the city, and for the extinguishment of fires, such amount and volume of water as may be needful therefor; the necessary pipes and hydrants for distribution thereof for the purposes named in this section being furnished, laid and connected with the pipes of this company at the expense of the city.

Water to be furnished to city without expense, the city furnishing pipes, &c.

City authorized to subscribe for capital stock.

SECT. 12. At any time after the organization of this corporation, the city of Saco 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, dams, reservoirs, pipes and other property, and ten percentum 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

Company shall issue shares to city.

CHAP. 686.

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 ; and in the event of a disagreement between the said company and the city as to the cost, up to the time of such offer, of the property of said company as hereinbefore set forth, then upon application of said city the same shall be determined by commissioners appointed in the same manner as is provided in the sixth section of this act, whose report, when accepted by the supreme judicial court, shall be final and conclusive as to the amount of cost up to such time of the property of said company.

Shares held by city may be represented.

Disagreement between company and city as to costs, &c.

SECT. 13. If said company or any of their servants or officers, employed in effecting the objects of the company, shall wilfully or negligently place or leave any obstructions in any of the streets of Saco, beyond what is actually necessary in constructing their works, laying down, taking up, and repairing their pipes and fixtures, or shall wilfully or negligently omit to repair and put in proper condition any street in which the earth or pavement 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 indictment 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, wilfulness 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.

Wilfully and negligently obstructing streets.

SECT. 14. Any person who shall maliciously injure any of the property of said company, or who shall corrupt the waters of said springs or any of their tributaries, or render them in any manner impure, or who shall throw the carcasses of dead animals or other offensive matter or materials into the waters of said springs or their tributaries, or leave the same thereon when frozen, or who shall in any manner wilfully destroy or injure any dam, reservoir, aqueduct, pipe, hydrant, or other property held, owned or used by said corporation for the purposes of this act, shall pay three times the amount of damages to said company, to be recovered in any proper action ; and every such person, on conviction of either of

Malicious injury of property, fine and imprisonment for.

CHAP. 687. said acts, shall be punished by fine not exceeding five thousand dollars and by imprisonment not exceeding one year.

Acts and doings of corporation affecting the health of inhabitants.

SECT. 15. 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.

First meeting, how called.

SECT. 16. The first meeting of said corporation may be called by a notice signed by any two of the incorporators, published in any newspaper printed in the county of York, the publication to be at least one week before said meeting.

SECT. 17. This act shall take effect when approved.

Approved February 22, 1871.

Chapter 687.

An act to make valid the doings of the town of Burlington.

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

Doings of Burlington, relating to school districts No. 1 and 2, made valid.

SECT. 1. The doings of the town of Burlington, at a town meeting held March twenty-eighth, in the year of our Lord eighteen hundred and seventy, relating to the limits of school districts number one and two, in said town, are hereby made valid.

SECT. 2. This act shall take effect when approved.

Approved February 22, 1871.

Chapter 688.

An act to incorporate the Warren Farmers' Mutual Fire Insurance Company.

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

Corporators.

SECT. 1. Joel Hills, David Starrett, I. P. Starrett, Elmers Hoffses, Sumner Leach, John Creighton, Samuel Thomas, Lewis Hall, Alden M. Watts, James C. McIntyre, M. E. Wade, and all others who may hereafter become members of said company, are hereby incorporated and made a body politic, by the name of the Warren Farmers' Mutual Fire Insurance Company, for the purpose of insuring in the town of Warren only, their respective dwelling-houses, stores, shops, barns and other buildings, household furniture and merchandise, against loss or damage by fire, whether the same happen by accident, lightning, or by any other means,

Name.

Purpose.