

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1880.

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PUBLIC LAWS
OF THE
STATE OF MAINE.
1880.

CHAP. 203**Chapter 203.**

An act to amend section sixteen of chapter forty-six of the Revised Statutes, relating to Corporations.

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

Sec. 16, ch. 46,
R. S., amended.

SECT. 1. Section sixteen of chapter forty-six of the revised statutes is hereby amended by adding after the word "attached," in the third line thereof, the words 'and appraised and set off in execution,' so that said section when amended shall read as follows :

Foreign corporations may sue and be sued in this state and property may be attached.

SECT. 16. Corporations existing by the laws of another state or of a foreign jurisdiction, may sue or be sued by their corporate name in this state; and if they have property in this state it may be attached and appraised and set off on execution, as the property of non-resident individuals. The acts of their agents are to have the same effect as the acts of agents of foreign private persons, unless prohibited by law.

Effect of acts of agents.

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

Approved March 9, 1880.

Chapter 204.

An act to incorporate the Steam Heating and Power Company.

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

Corporators.

SECT. 1. Jacob S. Winslow, Horatio N. Jose, George F. Holmes, William W. Thomas, junior, George P. Wescott, Charles McCarthy, junior, Edward H. Davies, George F. Morse, their associates and successors, are hereby constituted

Corporate name.

a body politic and corporate, by the name of the Steam Heating and Power 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 case of manufacturing corporations.

Powers, privileges and liabilities.

Capital stock.

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

exceeding one hundred dollars each. Said company, having first obtained permission of the municipal authorities therefor, shall have power to erect, establish and maintain in the city of Portland, suitable works for the manufacture and distribution of steam for heating purposes and power for manufacturing establishments.

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Purposes.

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, conduits and fixtures as may be necessary for the objects of its 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 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 the council 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.

Authorized to lay down pipes, etc., by consent of city.

—regulations.

SECT. 4. Whenever the company shall lay down any pipes, conduits or fixtures in any street, or make any alteration or repairs upon its works in any street, it shall cause the same to be done with as little obstruction to the public travel as may be practicable, and shall, at its own expense, without unnecessary delay, cause the earth and pavement removed by them to be replaced in proper condition. It shall not be allowed, in any case, to obstruct or impair the use of the pipes and fixtures of the Portland Gas Light Company, or of the Portland Water Company, or 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

Laying of pipes and alterations to be done without unnecessary obstructions.

Not to obstruct pipes of other parties.

CHAP. 204

Liable for injury.

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, and to said city, in an action upon the case.

Conditions of organization.

SECT. 5. 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 its incorporation, and shall have actually commenced the manufacture and distribution of steam, it shall then have and enjoy the franchise and privileges granted it by this act, exclusively, for the term of ten years from the date of its 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.

Board of directors to be chosen annually.

SECT. 6. 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 five or seven directors, to be chosen annually.

City of Portland authorized to take property at appraised value after ten years.

SECT. 7. At the expiration of the term of ten years named in the fifth section of this act, the city of Portland shall be authorized, upon vote of the city council to that effect, to pay to said company the appraised value of its 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 ten 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 neglects or refuses for the space of one month after an appraisal shall have been made in pursuance of the provis-

Appraisal, how made.

Proceedings if company refuses to deliver property.

ions of this section, and after the 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 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, as against the right of the city to take said property as aforesaid.

SECT. 8. If the city of Portland 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 it, and shall be held and enjoyed by it exclusively, for a further term of twenty years after the expiration of the ten years aforesaid, subject to the limitation prescribed in the seventh section of this act.

Franchise of company to continue, if city shall not take property at appraisal.

SECT. 9. If said company or any of its servants or officers employed in effecting the objects of the company, shall wilfully or negligently place or leave any obstruction in any of the streets of Portland, beyond what is actually necessary in constructing its works, laying down, taking up, and repairing its 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 it, 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 fines 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.

Company or officers or servants, liable for unnecessary obstructions, and omissions to repair streets.

Persons may recover damages.

SECT. 10. 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.

Corporation liable for injury to private property.

CHAP. 205

First meeting,
how called.

SECT. 11. The first meeting of said corporation may be called by a notice signed by any three of the corporators, published five days successively before the day fixed for such meeting, in any newspaper published in Portland.

Powers of mayor
and aldermen.

SECT. 12. The mayor and aldermen for the time being shall at all times have the power to regulate and control the acts and doings of said corporation, which may in any manner injuriously affect the health, property or safety of the inhabitants of the city.

Deemed to be a
public act.

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.

Rights of other
parties not to be
affected.

SECT. 14. Nothing in this act shall be construed to affect or abridge the rights of any parties in said city now having and exercising rights similar to any of those granted by it.

Approved March 9, 1880.

Chapter 205.

An act to provide for the Registry of Deeds from the state.

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

Certified copies
of records in land
office may be
recorded by reg-
isters of deeds,
and copies shall
be evidence when
originals would
be.

SECT. 1. A copy from the records now in the land office of a deed from the state, of the land of the state, or of a deed from the state and the commonwealth of Massachusetts, of the undivided lands of the state and said commonwealth, certified by the land agent and approved by the governor, or certified by the secretary of state and approved by the governor, as a true copy of such record, may be filed and recorded in the registry of deeds in the county where the land lies, and shall have the same effect as if the deed itself had been recorded, and certified copies thereof from such registry shall be evidence when the original would be.

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

Approved March 9, 1880.