

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

OF THE

FIFTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1880.

---

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
February 18, 1840, and March 16, 1842.

---

AUGUSTA:  
SPRAGUE & SON, PRINTERS TO THE STATE.  
1880.

---

PUBLIC LAWS  
OF THE  
STATE OF MAINE.  
1880.

---

## CHAP. 215

Contestant of validity of sale of land for taxes, must deposit amount of taxes, etc., with clerk of court.

'No person contesting the validity of any sale of land for non-payment of taxes, shall be permitted to commence, maintain or defend any action at law or in equity, involving the validity of such sale, until he shall have deposited with the clerk of the court in which such action is to be commenced or defended, the amount of all taxes, interest and costs accruing under such sale, and of all taxes paid after such sale, and interest thereon, to be paid out by order of court to the party legally and equitably entitled thereto.'

Approved March 15, 1880.

### Chapter 215.

An act giving Justices of the Peace and of the Quorum jurisdiction throughout the State.

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

Justices of peace and quorum to be commissioned for the State.

—duties and powers extended.

Justices of the peace and of the quorum shall be appointed and commissioned by the governor, with the advice and consent of the council, to act within and for each and every county throughout the state. All duties and powers now granted by law to, and exercised by, justices of the peace and of the quorum, shall be exercised by them in each and every county in the state.

Approved March 15, 1880.

### Chapter 216.

An act to incorporate the Steam Heating and Power Company for the City of Bangor.

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

Corporators.

Corporate name.

SECT. 1. Thomas N. Egery, Nathan C. Ayer, Franklin A. Wilson, Moses Giddings, George Varney, N. Gilbert Higgins, Eugene M. Hersey, Charles F. Woodard, their associates and successors, are hereby constituted a body politic and corporate by the name of the Steam Heating and Power Company for the City of Bangor, 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. CHAP. 216

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 shall have power to erect, establish and maintain in the city of Bangor, suitable works for the manufacture and distribution of steam for heating purposes and power for manufacturing establishments. Capital stock.

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 obstruction, or taking up or displacement of any street by said company whatever, with or without the consent of the city council, together with the 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. Authorized to lay 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 it to be replaced in proper condition. It shall not be allowed, in Laying pipes and alterations to be done without unnecessary obstructions.

## CHAP. 216

Not to obstruct  
pipes of other  
parties.

—liable for  
injury.

Conditions of  
organization.

Board of directors  
to be chosen  
annually.

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

Appraisal, how  
made.

any case, to obstruct or impair the use of the pipes and fixtures of the Bangor Gas Light Company, or of the water pipes of said city, 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 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, in an action upon the case.

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 thirty 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.

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.

SECT. 7. At the expiration of the term of thirty years named in the fifth section of this act, the city of Bangor shall be authorized, upon vote of the city council to that effect, to pay to said company the appraised value of the 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 thirty 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 neglect or refuse for the space of one month after an appraisal shall have been made in pursuance of the provisions 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.

Proceeding if  
Company refuses  
to deliver prop-  
erty.

SECT. 8. If the city of Bangor 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 time of twenty years after the expiration of the thirty years aforesaid, subject to the limitation prescribed in the seventh section of this act.

Franchise of  
company to con-  
tinue 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 Bangor 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 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 fines as may be imposed therefor, which fine shall be collected, applied and expended in the same manner as provided in the 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 ser-  
vants, liable for  
unnecessary ob-  
structions and  
omissions to  
repair streets.

Persons may  
recover damages.

**CHAP. 217**

Corporation  
liable for injury  
to private prop-  
erty.

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.

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 Bangor.

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 affect the health 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.

Approved March 15, 1880.

## Chapter 217.

An act in relation to town and private ways.

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

Owner of land  
shall have right  
of appeal from  
location of way,  
as provided in  
sec. 23 of ch. 13,  
R. S.

SECT. 1. Any owner or tenant of land over or across which a town or private way has been or shall be located shall have the same right of appeal or petition as is provided in section twenty-three of the eighteenth chapter of the revised statutes.

When way shall  
be opened.

SECT. 2. No such way shall be opened or used until the expiration of sixty days from the time it is accepted by the town, and if within that time notice of such appeal or petition shall be filed with the town clerk, such way shall not be opened or used until finally located by the appellate tribunal.

SECT. 3. This act shall take effect when approved.

Approved March 15, 1880.