

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE

1895.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1895.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1895.

until the organization of the city government hereby authorized shall be effected, and until their respective successors shall be chosen and qualified. CHAP. 243

SECT. 29. So much of this act as authorizes the submission of the question of its acceptance to the legal voters of the said town, shall take effect upon its passage, but it shall not take further effect unless accepted by the legal voters of said town, as herein prescribed, in which case all acts and parts of acts inconsistent with this act, are hereby repealed.

When act shall take effect.

Approved March 22, 1895.

Chapter 243.

An Act to incorporate the Water Commissioners of the city of Auburn, under the name of the Auburn Water Commissioners.

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

SECT. 1. The water commissioners of the city of Auburn, elected under the provisions of chapter eighty-two of the private and special laws of eighteen hundred and ninety-one, entitled "An Act to supply the city of Auburn with pure water," approved February eighteen, eighteen hundred and ninety-one, and in accordance with an ordinance of the mayor, aldermen and common council of the city of Auburn, finally ordained July twenty-four, eighteen hundred and ninety-three, and their successors, to be hereafter elected in accordance with said act and said ordinance, are hereby created a body corporate and politic, by the name of the Auburn Water Commissioners, and as such shall have a common seal, and power to sue and be sued. The Auburn Water Commissioners shall elect a president from among their own number, and shall elect a clerk, and choose such other officers as are designated by said ordinance and as the city council of the city of Auburn may hereafter designate by ordinance. The city treasurer of the city of Auburn, for the time being, shall be treasurer, ex-officio, of the Auburn Water Commissioners, and shall keep the accounts of the money received and disbursed by him as treasurer of the city, separate and distinct from those of the

Water commissioners of Auburn, created a body corporate.

—corporate name.

—commissioners shall elect officers.

—city treasurer shall be treasurer, ex-officio.

—duties of.

CHAP. 243

money received and disbursed by him as treasurer of said Auburn Water Commissioners. The officers of the water commissioners of the city of Auburn, in office when this act takes effect, shall be the officers of the corporation until their successors are chosen in accordance with said ordinance.

Powers and duties of commissioners.

SECT. 2. The powers and duties of said Auburn Water Commissioners shall be those prescribed for the water commissioners of the city of Auburn in said chapter eighty-two of the private and special laws of eighteen hundred and ninety-one, and in said ordinance, and in such other ordinances as the city council of Auburn may, from time to time, ordain.

May issue bonds as may be approved by city council.

SECT. 3. The Auburn Water Commissioners are hereby authorized to issue the bonds of the corporation, to be known as the Auburn Water Works Bonds, at such rates and on such times as may be approved by the city council and for such amount as the city council may approve, not to exceed two hundred and fifty thousand dollars; and the proceeds of the sale of said bonds shall be used exclusively for the purpose of paying the floating indebtedness incurred by the city of Auburn in the purchase and extension of its system of water works, and for such future extensions and improvements as may be approved by the city council.

—how proceeds shall be used.

City may convey to commissioners in trust, its system of water works.

SECT. 4. The city of Auburn is hereby authorized, when its city council so votes, to convey to the Auburn Water Commissioners, the corporation hereby created, in trust, its system of water works, meaning all the property purchased by said city of the Auburn Aqueduct Company, under the provisions of said chapter eighty-two of the private and special laws of eighteen hundred and ninety-one, and chapter five hundred and sixty of the private and special laws of eighteen hundred and ninety-three, together with all additions, extensions and improvements made to said system of water works, for the sole purpose of securing the payment of the bonds issued under the provisions of section three of this act, and for no other purpose. Said Auburn Water Commissioners may hold said property in trust for said purpose. And said system of water works shall be holden for the payment of said bonds and their coupons, and said bonds and their coupons shall constitute a first lien thereon, subject to any existing incumbrance; and said lien shall not be impaired by said city or said Auburn Water Commissioners until all

—system shall be holden for payment of bonds.

—lien.

said bonds and coupons issued hereunder shall have been paid and said trust discharged.

SECT. 5. In case of default in the payment of any of said bonds, or the coupons attached thereto, when due, any holder thereof may petition the supreme judicial court for the county of Androscoggin, by bill in equity, for the benefit of himself, as well as for the benefit of all other holders of said bonds, and said court may enforce said lien, by appointment of receiver and by sale of said property, according to the usual practice in equity proceedings.

In case of default in payment of bonds, holder may petition S. J. Court for enforcement of lien.

SECT. 6. The rates for the supply of water, charged and collected by said Auburn Water Commissioners, shall be fixed so that all expenses for repairs and management shall be paid annually, together with interest on the cost of the purchase of said system of water works by the city, and on the cost of all extensions thereto, and in addition thereto, not less than one per cent of said principal expenditures.

Rates shall be fixed so that all expenses shall be paid annually.

SECT. 7. Said Auburn Water Commissioners shall create the sinking fund provided for in said ordinance of the city of Auburn, ordained July twenty-fourth, eighteen hundred and ninety-three; and in addition to the provisions therein made for such sinking fund, they shall invest the one per cent of the principal expenditures mentioned in section six of this act, in such securities as savings banks in this state are by law authorized to invest in. Any surplus of the receipts of said Auburn Water Commissioners remaining at the end of the municipal year after paying for all repairs, operating expenses, extensions and interest charges as aforesaid, and said one per cent for the sinking fund, said Auburn Water Commissioners shall likewise invest as aforesaid, and place in said sinking fund. And said Auburn Water Commissioners may, when necessary, reinvest any of said securities. Said sinking fund and its accumulations shall be held solely for the purpose of redeeming and paying the principal of said bonds. Said city treasurer shall be the custodian of the sinking fund.

Shall create sinking fund.

—purpose of sinking fund.

SECT. 8. Bonds issued under the provisions of this act may be purchased and held by savings banks in this state.

Bonds may be held by savings banks.

SECT. 9. The city of Auburn may assume the indebtedness represented by said bonds whenever it can constitutionally do so, by exchanging its own bonds for the bonds issued

City may assume indebtedness so far as it can, by exchange of bonds.

CHAP. 243

—when bonds have all been paid, trust may be discharged.

under the provisions of this act, and said bonds shall so provide. Bonds so providing shall be deemed negotiable. And whenever all of the indebtedness is thus assumed by the exchange of bonds, or whenever said bonds and their coupons are all paid, said trust shall thereupon be discharged, on petition of said city of Auburn, or said Auburn Water Commissioners, to the supreme judicial court for the county of Androscoggin, sitting in equity, and said property shall be reconveyed to said city of Auburn, discharged of said trust.

Commissioners shall hold property in trust as provided by this act.

SECT. 10. Said Auburn Water Commissioners shall not sell, mortgage, or in any way dispose of said property, but shall hold the same solely for the purposes of the trust provided for by this act.

All powers not conferred upon commissioners, shall be vested in city.

SECT. 11. All duties and powers necessary to be exercised with respect to said system of water works, not conferred upon said Auburn Water Commissioners by said chapter eighty-two, or by said ordinance, or by any ordinances to be hereafter ordained by said city, shall be vested in the city of Auburn. The city of Auburn, and not said Auburn Water Commissioners, shall be liable for all damages occasioned under the provisions of sections three and four of said chapter eighty-two of the private and special laws of eighteen hundred and ninety-one, and for such other defaults as said city would have been liable for, had not the trust herein provided for been created.

—liability for damages.

Act shall take effect when approved by legal voters.

SECT. 12. This act shall take effect whenever approved by a two-thirds vote of the votes cast by the legal voters of the city of Auburn at a meeting of the citizens qualified to vote in city affairs, requested, warned and held as provided in section twenty-one of the charter of the city of Auburn, approved February twelve, eighteen hundred and sixty-eight. A moderator shall be chosen. The city clerk of said city shall be clerk of such meeting, and shall record the proceedings thereof. The mayor of said city shall warn such meeting by publishing his warrant therefor in some newspaper published in Lewiston or Auburn, three weeks successively, and by causing a copy thereof to be posted at the entrance to Auburn hall; the last publication and the posting of the copy of the warrant to be at least seven days before such meeting is held. At such meeting, the polls shall be opened at ten o'clock in the forenoon, and closed at four o'clock in the

—how meeting shall be called and held.

afternoon. The vote shall be by written ballot, and the ballots shall be counted and declared in open meeting. The board of registration of said city shall be in session during such meeting and shall determine the qualification of any one claiming the right to vote, if in dispute.

CHAP. 244

Approved March 22, 1895.

Chapter 244.

An Act to authorize the issue of preferred stock by the Madison Woolen Company.

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

SECT. 1. The Madison Woolen Company is hereby empowered to issue preferred stock to the amount of one hundred and twenty-five thousand dollars; and the action of the stockholders of said company touching said preferred stock at a special meeting held at Madison on the thirteenth day of September, eighteen hundred and ninety-four, and the issuing of said stock by said corporation, are hereby ratified and confirmed.

Madison
Woolen Co.,
authorized to
issue prefer-
red stock.

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

Approved March 22, 1895.

Chapter 245.

An Act relating to the Rumford Falls and Rangeley Lakes Railroad Company.

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

SECT. 1. The action of the Rumford Falls and Rangeley Lakes Railroad Company, whereby the capital stock of said company was increased from its limit of sixty thousand dollars to one hundred thousand dollars, is hereby ratified, approved and affirmed, as legal and valid.

Capital stock
increased.

Act made
legal.

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

Approved March 25, 1895.