

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE

1897

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PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1897.

private purposes in said Lewiston and Auburn, except that said Maine Pulp and Paper Company may furnish power to any company, firm or corporation, which is now engaged in the distribution and sale of electric power for municipal or private lighting in said cities of Lewiston and Auburn.

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

Approved March 20, 1897.

Chapter 480.

An Act to amend Chapter five hundred six of the Private and Special Laws of eighteen hundred and eighty-nine, entitled "An Act to incorporate the City of Deering," as amended by Chapter four hundred thirty-nine of Private and Special Laws of eighteen hundred and ninety-three, and by Chapter six hundred thirty-three of Private and Special Laws of eighteen hundred and ninety-three, and by Chapter two hundred thirty-eight of Private and Special Laws of eighteen hundred and ninety-five.

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

Sect. 1. Section one of chapter five hundred and six of the private and special laws of eighteen hundred and eighty-nine is hereby amended by striking out the word "twenty" in next to the last line and inserting in the place thereof the word 'fifty' so that said section as amended, shall read as follows:

Section 1,
chapter 506,
private
laws, 1889,
amended.

'Sect. 1. The inhabitants of the town of Deering in the county of Cumberland, shall continue to be a body politic and corporate under the name of the city of Deering, and as such shall have, exercise and enjoy all the rights, immunities, powers, privileges and franchises, and shall be subject to all the duties and obligations now incumbent upon and pertaining to the said town as a municipal corporation and may enact reasonable by-laws and regulations for municipal purposes and impose penalties for the breach thereof, not exceeding fifty dollars, to be recovered for such uses as the city council may designate.'

—corporate
name.

—rights,
powers and
privileges.

Sect. 2. Section two of chapter five hundred and six of the special laws of eighteen hundred and eighty-nine, is hereby amended by striking out the word "seven" in the fourth line thereof and inserting in the place thereof the word 'eleven' so that said section as amended, shall read as follows:

Section 2,
amended.

'Sect. 2. The administration of all fiscal, prudential and municipal affairs of said city with the government thereof shall be vested in an officer to be called the mayor, and one council

Adminis-
tration of
municipal
affairs,
vested in

CHAP. 480
 mayor and
 board of al-
 dermen.

of eleven to be denominated a board of aldermen; all of whom shall be inhabitants of said city and legal voters therein. Said mayor and aldermen shall constitute the city council, and shall be sworn or affirmed in the form prescribed by the constitution of the state for state officers.'

Section 4,
 amended.

Sect. 3. Section four of chapter five hundred and six of the special laws of eighteen hundred and eighty-nine, as amended by section one of chapter four hundred and thirty-nine of the special laws of eighteen hundred and ninety-three, is hereby amended by striking out the word "one" between the word "exceeding" and the word "hundred" in the thirteenth line thereof, and inserting in place thereof the word 'two;' and by inserting the word 'grade' between the word "widen" and the word "or" in the twenty-ninth line thereof; and by inserting the word 'grade' between the word "widen" and the word "or" in the thirty-fourth line thereof; and by inserting the words 'widened, graded,' between the word "out" and the word "or" in the forty-fourth line thereof; and by inserting the words 'widened, graded' between the word "altered" and the word "or" in the forty-eighth line thereof; and by inserting the words 'or grade thereof' between the word "way" and the word "is" in the fifth-ninth line thereof; and by inserting the words 'excepting such public ways as are within the exclusive jurisdiction of the county commissioners' between the word "city" and the word "and" in the thirtieth line thereof; and by inserting the words 'or damaged' between the word "taken" and the word "for" in the thirty-second line thereof; and by inserting the word 'such' between the word "any" and the word "street" in the thirty-fourth line thereof; and by inserting the words 'or damaged' between the word "taken" and the word "when" in the forty-fifth line thereof; and by inserting the words 'or grade' between the word "way" and the word "shall" in the fifty-first line thereof; and by inserting the words 'or grades' between the word "way" and the word "which" in the fifty-fifth line thereof; and by inserting the words 'or damage sustained' after the word "taken" and before the word "the" in the sixtieth line thereof; and by inserting the words 'or grades' after the word "streets" and before the word "and" in the sixty-fifth line thereof; and by inserting the words 'or put any street or way to the grade established' after the word "established" and before the word "until" in the sixty-ninth line thereof; also by adding to said section four the following: 'When any ordinance,

order, resolution or vote passed by the city council involving the raising, appropriation, or expenditure of money is presented to the mayor, if he approves of a part and does not approve of a part of the sums or items thereof, he shall so indicate thereon, and thereupon the sums or items so approved shall be in force from the date of said approval, and he shall return the same with his objections to the sums or items not approved by him to the city council at the next stated meeting, which shall enter the objections at large upon its records and proceed to reconsider the sums or items not approved. If after such reconsideration two-thirds of all the members of the city council shall agree to pass the sums or items not approved, or any of them, said sums or items shall be in force as if he had approved. If the mayor shall disapprove a part of the sums or items of any such bill and shall fail to approve or disapprove a part on or before the next stated meeting, the sums which he fails to approve or disapprove shall be in force as if he had approved,' so that said section, as amended, shall read as follows:

'Sect. 4. The city council shall secure a prompt and just accountability by requiring bonds with sufficient penalty and surety or sureties, from all persons trusted with the receipt, custody or disbursement of money; the city council shall also have the care and superintendence of the city buildings, and the custody and management of all city property and trust funds for the benefit of schools, public library, parks, cemeteries and for any other beneficial purpose, whether acquired by purchase or legacy; with power to let or sell what may be legally let or sold, and to purchase and take, in the name of the city, real and personal property for municipal purposes to an amount not exceeding two hundred thousand dollars in addition to that now held by the town; and shall, as often as once a year, cause to be published for the information of the inhabitants, a particular account of the receipts and expenditures, and a schedule of the city property and the city debt. The city council shall have power to establish by ordinance such offices as may be necessary for municipal government not provided for by this act, and to elect such subordinate officers as may be elected by towns under general laws of the state, for whose election or appointment other provision is not herein made; to define their duties and fix their compensation; to act upon all matters in which authority is now given to said town of Deering, and

Powers of city council.

—shall require bonds of all persons, trusted with public money.

—shall have care of public buildings.

—take property for municipal purposes.

—shall elect subordinate officers.

CHAP. 480

—vested
with au-
thority to
lay out,
etc., streets.

—proceed-
ings.

—esti-
mate and
report dam-
ages.

—party ag-
grieved,
may ap-
peal.

to determine what streets, if any, shall be lighted, and upon what terms. The city council shall appropriate annually the amount necessary to meet the expenditures of the city for the current municipal year. The city council shall have exclusive authority to lay out, widen, grade or otherwise alter or discontinue any and all streets or public ways in said city, except such public ways as are within the exclusive jurisdiction of the county commissioners, and as far as extreme low water mark, and to estimate all damages sustained by owners of land taken or damaged for such purpose. A committee of the council shall be appointed whose duty shall be to lay out, alter, widen, grade or discontinue any such street or way, first giving notice of the time and place of their proceedings to all parties interested, by an advertisement in two newspapers printed in Deering or Portland, for three weeks, at least, next previous to the time appointed. The committee shall first hear all parties interested and then determine and adjudge whether the public convenience requires such street or way to be laid out, widened, graded, altered or discontinued, and shall make a written return of their proceedings, signed by a majority of them, containing the bounds and description of the street or way, if laid out, widened, graded or altered, and the names of the owners of the land taken or damaged when known, and the damages allowed therefor; the return shall be filed in the city clerk's office at least seven days previous to its acceptance by the city council. The street or way shall not be altered, widened, graded or established until the report is accepted by the city council, and the report so filed shall not be altered or amended before it comes up before the city council, for action. A street or way or grade shall not be discontinued by the city council, except upon the report of said committee. The committee shall estimate and report the damages sustained by the owners of the lands adjoining that portion of the street or way or grade which is so discontinued. Their report shall be filed with the city clerk seven days at least before its acceptance. Any party aggrieved at their decision may appeal therefrom as provided by law in the case of town ways. If a street or way or grade thereof is discontinued before the damages are paid or recovered for the land taken, or damage sustained, the land owners shall not be entitled to recover such damages, but the committee in their report discontinuing the same shall estimate and include all the damages sustained by the land owner, includ-

ing those caused by the original location of the streets or grades and in such cases, if any appeal has been regularly taken, the appellant shall recover his costs. The city shall not be compelled to construct or open any street or way thus hereafter established or put any street or way to the grade established until, in the opinion of the city council, the public good requires it to be done; nor shall the city interfere with possession of the land so taken, by removing therefrom materials or otherwise, until they decide to open said street. The city council may regulate the height and width of the sidewalks in any public square, places, streets, lanes or alleys in said city; and may authorize hydrants, drinking fountains, posts and trees to be placed along the edge of sidewalks, and may locate and construct culverts and reservoirs within the limits of any street or way in said city whenever they deem it needful for protection against fire, and the city shall not be liable for any damage caused by such posts, hydrants, drinking fountains, trees and reservoirs, nor by any posts or wires erected in its streets by any parties authorized so to do. Every law, act, ordinance, resolve or order of the city council, excepting rules and orders of a parliamentary character, shall be presented to the mayor. If not approved by him he shall return it with his objections in writing at the next stated session of the city council which shall enter the objections at large on its journal and proceed to reconsider the same. If, upon such reconsideration, it shall be passed by vote of two-thirds of all the members of the board, it shall have the same force as if approved by the mayor. In case of vacancy in the mayor's office, this section shall not apply to any act of the council. In case the mayor fails to either sign or return the bill at the next stated session, then it becomes a law as though he had signed it. When any ordinance, order, resolution, or vote passed by the city council involving the raising, appropriation, or expenditure of money is presented to the mayor, if he approves of a part and does not approve of a part of the sums or items thereof, he shall so indicate thereon, and thereupon the sums and items so approved shall be in force, from the date of said approval, and he shall return the same with his objections to the sums or items not approved by him to the city council at the next stated meeting, which shall enter the objections at large upon its records and proceed to reconsider the sums or items not approved. If after such reconsideration, two-thirds of all the members of the city council shall agree to

—may regulate sidewalks, authorize hydrants, posts and trees placed.

—city not liable for damages.

—laws enacted, shall be presented to mayor.

—power to veto.

CHAP. 480

pass the sums or items not approved, or any of them, said sums and items shall be in force as if he had approved. If the mayor shall disapprove a part of the sums or items of any such bill and shall fail to approve or disapprove a part, on or before the next stated meeting, the sums which he fails to approve or disapprove shall be in force as if he had approved.'

Section 14,
amended.

Sect. 4. Section fourteen of chapter five hundred and six of the special laws of eighteen hundred and eighty-nine is hereby amended by inserting the words 'except by vote of the city council' after the word "purpose" and before the word "and" in the thirteenth line thereof; and by inserting the same words 'except by vote of the city council' after the word "city" and before the word "until" in the fourteenth line thereof, and by adding at the end of said section the following: 'Unexpended balances of annual appropriations shall at the end of such financial year become a part of the general balance in the treasury. A city auditor shall be elected annually by vote of the people. He shall perform all the duties now incumbent upon auditors of towns, and such other duties, and in such manner, as the city council shall by ordinance determine. He shall have the custody and control of the current expenditure books of the city, and shall cause to be entered therein all appropriations made by the city council; and he shall charge against the several appropriations all expenditures of the city which are properly approved by the department or committee contracting the same. He shall approve no bills until the city council shall have provided by appropriation funds sufficient to meet the same in the account against which said bill is to be charged, and the clerk of the council shall have certified the same to him, except as herein before provided. The treasurer shall pay no bills until they are so approved by the auditor. The auditor shall annually before the election, publish a detailed report of the expenditures of the city for the fiscal year. The auditor shall qualify by oath or affirmation. In case of a vacancy in the office of auditor, the city council shall elect some suitable person to fill the vacancy. In case of temporary incapacity, the city council shall elect some suitable person to perform the duties of the auditor, until such incapacity shall have been removed. The auditor's books shall be open to public inspection.' So that said section, as amended, shall read as follows:

Passage of
ordi-
nances, in-

'Sect. 14. In case any ordinance, order, resolution or vote involves the appropriation or expenditure of money to an

CHAP. 480

amount which may exceed three hundred dollars, the laying of an assessment or the granting to a person or corporation of any right in, over or under any street or other public ground of said city, the affirmative votes of a majority of all the members of the city council shall be necessary for its passage. Every such ordinance, order, resolution or vote, shall be read twice, with an interval of at least three days between the two readings, before being finally passed, and the vote upon its final passage shall be taken by roll call. No sum appropriated for a specific purpose shall be expended for any other purpose, except by vote of the city council, and no expenditure shall be made, nor liability incurred by or in behalf of the city, except by vote of the city council, until an appropriation has been duly voted by the city council, sufficient to meet such expenditure or liability, together with all unpaid liabilities which are payable out of such appropriation; provided, however, that after the expiration of the financial year, and until the passage of the regular annual appropriations, liabilities payable out of a regular appropriation to be contained therein may be incurred to an amount not exceeding one quarter of the total of such appropriation for the preceding year. No money shall be paid out of the city treasury, except on orders signed by the mayor, designating the fund or appropriation from which said orders are to be paid. Unexpended balances of annual appropriations shall, at the end of each financial year, become a part of the general balance in the treasury. A city auditor shall be elected annually by vote of the people. He shall perform all the duties now incumbent upon auditors of towns, and such other duties, and in such manner, as the city council shall by ordinance determine. He shall have the custody and control of the current expenditure books of the city, and shall cause to be entered therein all appropriations made by the city council; and he shall charge against the several appropriations all expenditures of the city which are properly approved by the department or committee contracting the same. He shall approve no bills until the city council shall have provided, by appropriation, funds sufficient to meet the same in the account against which said bill is to be charged, and the clerk of the council shall have certified the same to him, except as hereinbefore provided. The treasurer shall pay no bills until they are so approved by the auditor. The auditor shall annually before the election publish a detailed report of the expenditures of the city for the fiscal year. The auditor shall qualify by oath

volying expenditure of money, etc., shall be by majority vote.

—how ordinances, etc., shall be passed.

Money appropriated for specific purpose, shall be expended for such purpose only.

—money shall not be paid out, except on order of mayor.

—city auditor, election of and duties.

CHAP. 480

—vacancies, how filled.

Section 15, amended.

Proceedings for organization of city government.

—wards.

or affirmation. In case of a vacancy in the office of auditor, the city council shall elect some suitable person to fill the vacancy. In case of temporary incapacity, the city council shall elect some suitable person to perform the duties of the auditor until such incapacity shall have been removed. The auditor's books shall be open to public inspection.'

Sect. 5. Section fifteen of chapter five hundred six of the special laws of eighteen hundred and eighty-nine, as amended by section two of chapter four hundred and thirty-nine of the special laws of eighteen hundred and ninety-three, is hereby amended by striking out the words "for the aldermen and ward officers shall be residents of the ward or district where elected, provided, however," in the thirty-first, thirty-second and thirty-third lines thereof, and inserting in place thereof, the sentence; 'The aldermen shall be elected, one by each ward, and four by the voters of the whole city; the aldermen of the wards and the ward officers shall be residents of the wards by which they are elected,' so that said section, as amended, shall read as follows:

'Sect. 15. For the purpose of organizing the system of government hereby established, and putting the same in operation in the first instance, the selectmen of the town shall, at least seven days before the first Monday of March, after the acceptance of this charter, issue their warrant for calling a meeting of the legal voters at such place and hour of the day as they shall choose, for the purpose of choosing a mayor, seven aldermen, an auditor and seven constables to be taken from the city at large; said officers shall be elected by a plurality vote. The town clerk shall notify the several officers elect of their election, in writing, within twenty-four hours. Their powers and duties shall be as herein provided. It shall be the duty of the city council, as soon as may be after their election, to cause a division of the city into seven wards in such manner as to include as nearly as may be, consistently with well defined limits, an equal number of legal voters in each ward. After such division into wards, ward meetings of the legal voters thereof shall be called, which meetings shall be presided over by some person appointed by the city council, and the records of said first meetings in the several wards shall be made by some person designated by the city council, and at said first meetings lists of voters, corrected by the aldermen, shall be delivered to the persons designated to act as recording officers in the several wards, to be used as provided by law, in town meetings. Said record-

ing officers shall perform the duties of ward clerks, as hereinbefore provided, relative to making a record of the election and returning a copy of the records to the city council. On the first Monday in March, annually thereafter, the qualified voters of each ward shall vote on one ballot for city and ward officers, as hereinafter provided. The aldermen shall be elected one by each ward, and four by the voters of the whole city; the aldermen of the wards and the ward officers shall be residents of the wards by which they are elected. If there shall be no choice of alderman or other ward officer on said day the ward meeting may be adjourned from day to day to complete said election. And all officers shall be elected by ballot by a plurality of the votes given, and shall hold their offices one year from the second Monday in March, and until others shall be elected and qualified in their places; all city and ward officers shall be held to discharge the duties of the offices to which they have been respectively elected, notwithstanding the removal after their election, out of their respective wards into any other wards in the city, but they shall not so be held after they have taken up their permanent residence out of the city; the ward clerk, within twenty-four hours after such election shall deliver to the ward officers elected, certificates of their election, and shall forthwith deliver to the city clerk a certified copy of the record of such election, a plain and intelligible abstract of which shall be entered by the city clerk upon the city records. The city council shall, as soon as conveniently may be, examine the records of the several wards certified as aforesaid, and shall cause the person who shall have been elected mayor, and such persons as have been elected to other offices by vote of the city at large to be notified in writing of their election. If it shall appear that no person has been elected mayor, or if there shall be a failure to elect in the case of any other office, or if any person elected to an office shall refuse to accept the same, the said board shall issue their warrants for another election; and in case of a vacancy in the office of mayor or alderman by death, resignation or otherwise, it shall be filled for the remainder of the term by a new election, to be called as herein provided, and held within twenty days after the vacancy occurs. The oath, or affirmation, prescribed by this act shall be administered to the mayor by the city clerk, or any justice of the peace in said city. The aldermen elect shall meet on the second Monday in March at seven o'clock in the evening,

—annual meetings, and proceedings.

—election of aldermen and ward officers.

—if no choice on first day, meeting shall be adjourned to complete election.

—tenure.

—city and ward officers moving into other wards, shall be held to discharge of duties of office, to which elected.

—clerk shall deliver certificate to ward officers.

—if no person is elected mayor or other officer, another election shall be held.

—vacancy, how filled.

—how mayor and aldermen shall qualify.

CHAP. 480

—regular
and special
meetings,
how called.

when the oath, or affirmation, required by the second section of this act shall be administered to the members present by the mayor or any justice of the peace. The city council shall, by ordinance, determine the times of holding stated or regular meetings of the board, and shall also in like manner determine the manner of calling special meetings and the persons by whom the same shall be called, but, until otherwise provided by ordinance, special meetings shall be called by the mayor by causing a notification to be given in hand or left at the usual residence of each member.'

Section 34,
amended.

Sect. 6. Part I of section thirty-four of chapter five hundred and six of the special laws of eighteen hundred and eighty-nine is hereby amended by adding at the end thereof the following: 'The provisions of this section relating to the constructions of sewers and the expenses and assessments for the same, shall apply to all sewers already constructed or hereafter to be constructed,' so that the same, as amended, shall read as follows:

City council
may
maintain
drains and
sewers.

'Sect. 34. I. The city council may make, lay and maintain all such main drains or common sewers, as they adjudge to be necessary for the public convenience or the public health, through the public streets, or through the lands of any person or corporation, and may repair the same whenever it is necessary, as hereinafter provided. All such drains and sewers shall be the property of the city, and shall be constructed in such manner and shall be of such dimensions as the city council shall deem best. The provisions of this section relating to the construction of sewers and the expenses and assessments for the same shall apply to all sewers already constructed or hereafter to be constructed.'

—provis-
ions of this
section,
shall apply
to all
sewers.

Part III,
section 34,
amended.

Sect. 7. Part III of said section thirty-four is hereby amended by adding at the end thereof the following: 'Additions may be made from time to time to such plans and estimates, for the same or other localities as the city council shall direct,' so that the same, as amended, shall read as follows:

Locations,
estimates
and plans
of drains,
shall be
made and
recorded.

'III. The city council, as soon as convenient after its first meeting, shall determine what localities within the city limits, and streets of said localities are in need of drains or sewers, and thereupon cause to be made accurate plans and estimates of cost of main drains or sewers, with their out falls and receptacles needed in said localities, setting forth full details of costs of each main and needed branches connected therewith, with costs of each branch, using the results of the survey and estimates made

in compliance with the appropriation of the town of Deering, under article twenty-three of the warrant for the annual town meeting of said town in the year of our Lord eighteen hundred and eighty-eight, so far as applicable, and cause the same to be recorded and carefully preserved in record books prepared expressly for the purpose, but kept ready at all times for public inspection. Additions may be made from time to time to such plans and estimates, for the same or other localities as the city council shall direct.'

—additions
may be
made.

Sect. 8. Part V of said section thirty-four is hereby amended by striking all of said part of said section and substituting instead thereof the following:

Part V,
amended.

'V. After the approval by the city council of the plans and estimates made in accordance herewith the city council may, after public notice of not less than ten days and a hearing, proceed to construct any of such drains and sewers in manner herein provided as the same are or shall be needed.'

After ap-
proval of
plans, coun-
cil may
proceed to
construct.

Sect. 9. Said section thirty-four is hereby further amended by adding at the end of said section the following:

Section 34,
amended.

'XII. The city may under such regulations or ordinances as the city council may establish, construct sidewalks or foot ways laid with brick, flat stones, concrete or other material with suitable curbs, on any street or portion thereof, and direct not exceeding one-half the cost of the same to be assessed on adjacent lots; and for that purpose may direct the curb to be set at any time previous to the construction of the walk, and may cause the cost of the curb and the cost of the paving of the walk to be assessed separately as either is or may be constructed. When such walks or such curbs or such paving, separately, are completed, the city council shall assess upon the adjacent lots or parcels of land and against the owners thereof, if known, as betterments, an amount not exceeding fifty per cent of the cost thereof, and the city council shall certify to the treasurer of the city the amount assessed upon each lot or parcel of land so assessed and the name of the owner of each lot or parcel of land, if known, with directions to collect the same according to law; and such assessments shall create a lien upon each and every lot or parcel of land so assessed, and the collection of such assessments may be enforced in the same way as is provided in this section for the collection of assessments made for drains and sewers. Said assessments may, at any time, be corrected by the city council on due notice and hearing, and in such case may be certified

Sidewalks,
etc., may
be con-
structed
structed,
cost as-
sessed on
adjacent
lots.

—assess-
ments, how
collected.

—assess-
ments shall
create a
lien on
lots.

CHAP. 481

—assessments shall not be void, by reason of error in name of owner.

anew to the treasurer. No assessment shall be void by reason of error in the name of the owner or occupant of the lot assessed, provided the lot assessed is so described that the same may be distinctly known. Such walks shall forever thereafter be maintained and kept in order by said city.'

Sect. 10. This act shall take effect when approved.

Approved March 20, 1897.

Chapter 481.

An Act to extend an act, entitled "An Act to supply the people of South Gardiner Village in the City of Gardiner, with pure water.

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

Charter extended two years.

The charter granted to Sherburne Lawrence, Hiram Lawrence, Charles Lawrence and Van R. Beedle and their associates and successors, by chapter five hundred and twenty-one of the private and special laws of one thousand eight hundred and ninety-three, to supply the people of South Gardiner village with pure water, is hereby extended two years from the seventeenth day of March, one thousand eight hundred and ninety-seven.

Approved March 20, 1897.

Chapter 482.

An Act to amend An Act incorporating the Saco River Telegraph and Telephone Company.

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

Charter amended.

Sect. 1. Section three of chapter four hundred thirty-two of the private and special laws of eighteen hundred and eighty-nine as amended by chapter one hundred and three of the private and special laws of eighteen hundred and ninety-five, is hereby further amended by adding after the word "of" in the fifth line the word 'Alfred,' so as, when amended, it will read as follows:

May erect lines along highways.

'Sect. 3. For the purposes of this act, said corporation shall have, and the power is hereby granted, to erect and locate its lines along and upon the highways, streets and bridges as now