

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

OF THE

## SIXTY-FIRST LEGISLATURE

OF THE

## STATE OF MAINE.

1883.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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1883.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1883.

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## CHAP. 180

Authorized to  
sell or lease its  
line.

SECT. 4. Said corporation may sell or lease its line and all its improvements to any other railroad corporation, which latter company is hereby authorized to enter into such contract of sale or lease; and the directors of the two corporations may enter into such contract for the running and for the purchase, sale or lease thereof, as they may deem for the advantage of their respective corporations, subject to the approval of the stockholders of each.

—officers and  
duties.

SECT. 5. The officers of said corporation shall be a president, clerk, treasurer, board of directors, and such others as may be prescribed in the by-laws. The powers and duties of the officers, and the manner of their election or appointment, shall be such as may be provided in the by-laws and rules of the corporation.

Act void, unless  
road is located  
within two years.

SECT. 6. If said railroad shall not be located in the manner provided by law within two years after the approval of this act, or shall not be completed within four years after such approval, in either case, this act shall be null and void.

Reason for grant-  
ing charter.

SECT. 7. This charter is granted because the railroad herein provided for, will cross tide waters where vessels can navigate, so that the object of this corporation cannot be attained under the general laws for the formation of railroad corporations.

Approved February 1, 1883.

### Chapter 180.

An Act to amend chapter one hundred and twenty-four of the Private and Special Laws of the year eighteen hundred and eighty-one, entitled "An Act to incorporate the Biddeford and Saco Water Company."

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

Ch. 124, special  
laws of 1881,  
amended.

SECT. 1. Chapter one hundred and twenty-four of the private and special laws of eighteen hundred and eighty-one is hereby amended, by striking out all of said chapter after the word "company" in the eighth line, and inserting instead thereof the following: 'For the purpose of conveying to and supplying the towns of Lyman, Dayton and Scarborough, and the cities of Biddeford and Saco, with pure water.'

SECT. 2. Said corporation, for said purposes, may hold real and personal estate necessary and convenient therefor, not exceeding in amount four hundred thousand dollars.

SECT. 3. Said corporation is hereby authorized, for the purposes aforesaid, to take, detain and use the water of Kennebunk pond, Swan's pond, or Saco River, or either of them, and all streams tributary thereto in either or all the towns of Lyman, Hollis, Dayton, Kennebunkport, Buxton, or cities of Biddeford and Saco, and is also authorized to erect, maintain dams and reservoirs, and lay down and maintain pipes and aqueducts necessary for the proper accumulating, conducting, discharging, distributing and disposing of water and forming proper reservoirs thereof; and said corporation may take and hold, by purchase or otherwise, any lands or real estate necessary therefor, and may excavate through any lands where necessary for the purposes of this incorporation.

SECT. 4. Said corporation shall be held liable to pay all damages that shall be sustained by any persons by the taking of any land or other property, or by flowage, or by excavating through any land for the purpose of laying down pipes and aqueducts, building dams and reservoirs, and also damages for any other injuries resulting from said acts; 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 railroads.

SECT. 5. The capital stock of said corporation shall be two hundred thousand dollars, which may be increased to four hundred thousand dollars by a vote of said corporation, and said stock shall be divided into shares of one hundred dollars each.

SECT. 6. Said corporation is hereby authorized to lay down, in and through the streets and ways in said towns of Lyman, Hollis, Dayton and Scarboro', and the cities of Biddeford and Saco, and to take up, replace and repair all such pipes, aqueducts and fixtures as may be necessary for the purposes of their incorporation, under such reasonable restrictions as the mayor and aldermen of said cities and selectmen of said towns may impose. And said corporation shall

be responsible for all damages to persons and property occasioned by the use of such streets and ways, and shall further be liable to pay to said cities and towns all sums recovered against said cities and towns for damages from obstruction caused by said corporation, and for all expenses, including reasonable counsel fees incurred in defending such suits, with interest on the same.

SECT. 7. Said corporation is hereby authorized to make contracts with the United States, and with corporations and inhabitants of cities and towns through which the pipes of the company may be or shall hereafter be located, for the purposes of supplying water as contemplated by said act; and any city or town in which the pipes of this corporation shall be laid are hereby authorized, by its city council or selectmen, to enter into contract with said company for a supply of water, and for such exemption from public burden as the towns and cities herein named and said company may agree, which, when made, shall be legal and binding upon all parties thereto.

SECT. 8. Said corporation shall have power to cross any private or public sewer, or to change the direction thereof, where necessary for the purposes of their incorporation, but in such manner as not to obstruct or impair the use thereof; and said corporation shall be liable for any injury caused thereby; whenever the company shall lay down any pipes in any street, or make any alterations or repairs upon its works in any streets, it shall cause the same to be done with as little obstruction to public travel as may be practicable, and shall at its own expense, without unnecessary delay, cause the earth and pavements removed by it to be replaced in proper condition.

SECT. 9. Any person who shall wilfully injure any of the property of said corporation, or who shall knowingly corrupt the waters of said Kennebunk pond, Swan's pond, Saco river, or any of their tributary streams, in any manner whatever, or render them impure, whether the same be frozen or not, or who shall throw the carcasses of dead animals or other offensive matter into said waters, or who shall wilfully destroy or injure any dam, reservoir, aqueduct, pipe, hydrant or other property held or owned by said corporation for the purposes of this act, shall be punished by a fine not exceeding

one thousand dollars, or by imprisonment not less than one year, and shall be liable to said corporation for three times the actual damage, to be recovered in any proper action.

SECT. 10. Said corporation may issue its bonds for the construction of its works, upon such rates and time as it may deem expedient, not exceeding the sum of four hundred thousand dollars, and secure the same by mortgage of the franchise and property of said company.

SECT. 11. In case the works of this corporation shall not have been put into actual operation within three years from April one, eighteen hundred and eighty-three, the rights and privileges herein granted shall become null and void.

SECT. 12. The first meeting of said corporation may be called by a written notice thereof, signed by any seven corporators herein named, served upon each corporator by giving him the same in hand or by leaving the same at his last usual place of abode seven days before the time of meeting.

SECT. 13. This act shall take effect when approved.'

So that said chapter as amended shall read as follows :

'SECT. 1. James M. Andrews, Edward W. Staples, Horace Ford, Alfred Goodwin, R. W. Randall, William Hill, George W. Donnell, Samuel G. Twambley, Albert K. Cleaves, E. H. Banks, C. E. Hussey, Thomas Haley, W. H. Field, O. H. Staples, Oliver C. Clark, John S. Derby, John Quimby, George F. Owen, William J. Bradford, Enoch Lowell, with their associates and successors, are hereby made a corporation by the name of the Biddeford and Saco Water Company for the purpose of conveying to and supplying the towns of Lyman, Dayton and Scarboro', and the cities of Biddeford and Saco with pure water.

Corporators.

Corporate name.

SECT. 2. Said corporation, for said purposes, may hold real and personal estate necessary and convenient therefor, not exceeding in amount, four hundred thousand dollars.

May hold real and personal estate. ---limit.

SECT. 3. Said corporation is hereby authorized, for the purposes aforesaid, to take, detain and use the water of Kennebunk pond, Swan's pond, or Saco river, or either of them, and all streams tributary thereto in either or all the towns of Lyman, Hollis, Dayton, Kennebunkport, Buxton, or cities of Biddeford and Saco, and is also authorized to erect, maintain dams and reservoirs, and lay down and maintain pipes and aqueducts necessary for the proper accumulating, conducting,

Authorized to take and use certain waters, erect dams and reservoirs.

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discharging, distributing and disposing of water and forming proper reservoirs thereof; and said corporation may take and hold, by purchase or otherwise, any lands or real estate necessary therefor, and may excavate through any lands where necessary for the purposes of this incorporation.

Damages and adjustment thereof.

SECT. 4. Said corporation shall be held liable to pay all damages that shall be sustained by any persons by the taking of any land or other property, or by flowage, or by excavating through any land for the purpose of laying down pipes and aqueducts, building dams and reservoirs, and also damages for any other injuries resulting from said acts; 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 railroads.

Capital stock.

SECT. 5. The capital stock of said corporation shall be two hundred thousand dollars, which may be increased to four hundred thousand dollars by a vote of said corporation, and said stock shall be divided into shares of one hundred dollars each.

Authorized to lay pipes, etc.

SECT. 6. Said corporation is hereby authorized to lay down, in and through the streets and ways in said towns of Lyman, Hollis, Dayton and Scarboro', and the cities of Biddeford and Saco, and to take up, replace and repair all such pipes, aqueducts and fixtures as may be necessary for the purposes of their incorporation, under such reasonable restrictions as the mayor and aldermen of said cities and selectmen of said towns may impose. And said corporation shall be responsible for all damages to persons and property occasioned by the use of such streets and ways, and shall further be liable to pay to said cities and towns all sums recovered against said cities and towns for damages from obstruction caused by said corporation, and for all expenses, including reasonable counsel fees incurred in defending such suits, with interest on the same.

Liability for damages.

May supply water to United States, etc.

SECT. 7. Said corporation is hereby authorized to make contracts with the United States, and with corporations and inhabitants of cities and towns through which the pipes of the company may be or shall hereafter be located, for the

purposes of supplying water as contemplated by said act; and any city or town in which the pipes of this corporation shall be laid are hereby authorized, by its city council or selectmen, to enter into contract with said company for a supply of water, and for such exemption from public burden as the towns and cities herein named and said company may agree, which, when made, shall be legal and binding upon all parties thereto.

SECT. 8. Said corporation shall have power to cross any private or public sewer, or to change the direction thereof, where necessary for the purposes of their incorporation, but in such manner as not to obstruct or impair the use thereof; and said corporation shall be liable for any injury caused thereby; whenever the company shall lay down any pipes in any street, or make any alterations or repairs upon its works in any streets, it shall cause the same to be done with as little obstruction to public travel as may be practicable, and shall at its own expense, without unnecessary delay, cause the earth and pavements removed by it to be replaced in proper condition.

May cross and change direction of sewers.

SECT. 9. Any person who shall wilfully injure any of the property of said corporation, or who shall knowingly corrupt the waters of said Kennebunk pond, Swan's pond, Saco river, or any of their tributary streams, in any manner whatever, or render them impure, whether the same be frozen or not, or who shall throw the carcasses of dead animals or other offensive matter into said waters, or who shall wilfully destroy or injure any dam, reservoir, aqueduct, pipe, hydrant or other property held or owned by said corporation for the purposes of this act, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not less than one year, and shall be liable to said corporation for three times the actual damage, to be recovered in any proper action.

Penalty for injuring property or corrupting waters.

SECT. 10. Said corporation may issue its bonds for the construction of its works, upon such rates and time as it may deem expedient, not exceeding the sum of four hundred thousand dollars, and secure the same by mortgage of the franchise and property of said company.

May issue bonds.

SECT. 11. In case the works of this corporation shall not have been put into actual operation within three years from

Charter null and void, unless works completed in given time.

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First meeting,  
how called.

April one, eighteen hundred and eighty-three, the rights and privileges herein granted shall become null and void.

SECT. 12. The first meeting of said corporation may be called by a written notice thereof, signed by any seven corporators herein named, served upon each corporator by giving him the same in hand or by leaving the same at his last usual place of abode seven days before the time of meeting.

SECT. 13. This act shall take effect when approved.

Approved February 3, 1883.

### Chapter 181.

An Act to authorize the Green Mountain Railway to change its gauge.

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

G. M. Railway  
authorized to  
change its gauge.

SECT. 1. The Green Mountain Railway is hereby authorized to change the gauge of its road to any gauge not less than two feet nor more than six feet.

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

Approved February 3, 1883.

### Chapter 182.

An Act to permit the Kennebunk and Kennebunkport Railroad to lease its road.

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

K. and K. R. R.  
Co authorized to  
lease its road to  
B. and M. R. R.

SECT. 1. The Kennebunk and Kennebunkport Railroad is hereby authorized and empowered to lease or grant the use and control of its road either before or after completion, and all its improvements, to the Boston and Maine Railroad, which latter corporation is hereby authorized to enter into such contract or lease, and the directors of the two corporations may enter into such contract for the use and running of the said road or lease thereof as the directors of the two corporations in the exercise of their best judgment and discretion may deem to be for the advantage of their respective corporations.

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

Approved February 3, 1883.