

MAINE STATE LEGISLATURE

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Sixty-Second Legislature.

HOUSE.

No. 95.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
EIGHTY-FIVE.

AN ACT to incorporate the Biddeford and Saco Railroad Company.

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

SECTION 1. Stephen F. Shaw, Esreff H. Banks, Francis
2 G. Warren, Simon Newcomb, Charles A. Moody, Charles
3 H. Prescott, Carlos Heard, Zopher R. Folsom, Joseph W
4 Hobson, Joseph F. Dearing, Joseph G. Deering, Horace
5 Woodman and Stephen S. Mitchell, their associates and
6 successors, are hereby constituted a corporation by the
7 name of the Biddeford and Saco Railroad Company, with
8 authority to construct, maintain and use, a railroad to be
9 operated by horse-power, with convenient single or
10 double tracks, from such point or points in the city of
11 Biddeford, and over such streets and bridges therein as
12 shall from time to time be fixed and determined by the
13 municipal officers of said city of Biddeford, and assented

14 to in writing by the directors of said corporation, to the
15 boundary line between said city and the city of Saco, and
16 thence over and upon such streets and bridges therein as
17 from time to time may be fixed by the municipal officers
18 of said city, and assented to in writing by the directors
19 aforesaid, to some point at or near the junction of Main
20 and King streets, or to such other point or points in said
21 city of Saco, as may in like manner from time to time be
22 fixed and determined by the municipal officers of said
23 city and assented to in writing by the directors aforesaid.
24 Said corporation shall also have authority to construct,
25 maintain and use said railroad, over and upon any lands
26 where the land damages have been mutually settled by said
27 corporation and the owners thereof; *provided, however,*
28 that all tracks of said railroad shall be laid at such dis-
29 tances from the side-walks of said cities of Biddeford and
30 Saco as the municipal officers thereof respectively shall in
31 their order fixing the routes of said railroad determine to be
32 for public safety and convenience. The written assent of
33 the directors aforesaid to any vote or votes of the munic-
34 pal officers of either of said cities prescribing from time to
35 time the routes of said railroad shall be filed with the
36 respective clerks of said cities, and shall be taken and
37 deemed to be the location thereof. Said corporation shall
38 have power from time to time to fix such rates of com-
39 pensation for transporting persons or property as it may
40 think expedient, and generally shall have all the power
41 and be subject to all the liabilities of corporations as set
42 forth in the forty-sixth chapter of the Revised Statutes.
43 Rails shall not be laid down in said cities without the
44 assent of the municipal officers thereof respectively.

45 The original location of the route when granted shall be
46 for the term of twenty-five years. The same may be re-
47 newed from time to time for a term not exceeding twenty-
48 five years, at any one time, by said municipal officers,
49 upon such terms as they may deem expedient. No such
50 renewal shall be granted prior to two years before the
51 expiration of the location then established. No location
52 shall be granted or renewed except upon reasonable prior
53 notice to all parties interested. If at the expiration of
54 any of the said terms the use of the streets, roads or
55 highways occupied by said company's railroad is granted by
56 the municipal officers of either of the said cities or both,
57 to any other corporation or person, it shall be upon con-
58 dition that such corporation or person shall purchase of
59 said company all its property of every description in
60 necessary use for the purposes of said railroad upon such
61 terms as may be agreed upon by the parties or deter-
62 mined by persons selected by them, and if they are
63 unable to agree the value of the same shall be determined
64 by three disinterested persons appointed by a judge of
65 the supreme judicial court, on application of either party,
66 and hearing thereon. Said appraisers shall be sworn,
67 give notice of the time and place of their meeting to ex-
68 amine and appraise said property, and shall make to each
69 party a written award, and their services shall be paid in
70 equal proportion by the parties. If the municipal officers
71 of either of the said cities, or both, determine that at
72 the expiration of any of said terms the use of the streets,
73 roads or highways occupied by said company's railroad
74 shall be granted to any person or corporation for the
75 purposes of a horse-railroad, on the payment of any sum

76 yearly, or in any other manner, said company shall have
77 the preference, and such use shall be granted or renewed
78 to said company; *provided* it will pay as much therefor as
79 any other corporation or person.

SECT. 2 Said railroad shall be operated and used by
2 said corporation with horse-power only. The municipal
3 officers of said cities of Biddeford and Saco, respectively,
4 shall have power at all times to make all such regulations
5 as to the rates of speed and removal of snow and ice from
6 the streets, roads and highways by said company, at its
7 expense, and mode of use of the tracks of said railroads
8 within said cities as the public convenience and safety
9 require.

SECT. 3. Said corporation shall keep and maintain in
2 repair such portions of the streets as shall be occupied by
3 the tracks of its railroad, and shall make all other repairs
4 of said streets which, in the opinion of the municipal
5 officers of said cities, respectively, may be rendered neces-
6 sary by the occupation of the same by said railroad, and
7 if not repaired within reasonable notice, such repairs may
8 be made by said cities respectively, at the expense of said
9 corporation, and said corporation shall be liable for any
10 loss or damage which any person may sustain by reason
11 of any carelessness, neglect or misconduct of its agents
12 or servants.

SECT. 4. If any person shall wilfully or maliciously
2 obstruct said corporation in the use of its road or tracks,
3 or the passing of the cars or carriages of said corporation
4 thereon, such person, and all who shall aid and abet
5 therein, shall be punished by a fine not exceeding two

6 hundred dollars, or may be imprisoned in the county jail
7 for a period not exceeding sixty days.

SECT. 5. The capital stock of said corporation shall not
2 exceed one hundred thousand dollars, to be divided into
3 shares of fifty dollars each, and no share shall be issued
4 for less than par value.

SECT. 6. Said corporation shall have power to purchase
2 and hold such real estate as may be necessary and conve-
3 nient for the purposes and management of said railroad.

SECT. 7. Said railroad shall be constructed and main-
2 tained in such form and manner, and with such rail and
3 upon such grade as the municipal officers of said cities of
4 Biddeford and Saco, respectively, shall from time to time
5 prescribe and direct. And whenever in the judgment of
6 said corporation it shall be necessary to alter the grade of
7 any street occupied by its railroad, said alterations may
8 be made at the sole expense of said corporation, provided
9 the same shall be assented to by the municipal officers of
10 said cities of Biddeford and Saco, respectively. If the
11 tracks of said railroad cross any other railroad of any
12 kind, in either of said cities, and a dispute arises in any
13 way in regard to the manner of crossing, said municipal
14 officers of the city in which said proposed crossing is to
15 be made, shall upon hearing decide and determine, in
16 writing, in what manner the crossing shall be made, which
17 shall be constructed accordingly.

SECT. 8. Nothing in this act shall be construed to pre-
2 vent the proper authorities of said cities, respectively,
3 from entering upon and taking up any of the streets
4 occupied by said railroad, for any purposes for which they
5 may now lawfully take up the same.

SECT. 9. This act shall be void unless the same shall
2 be accepted by said corporation, and ten per cent of the
3 capital stock thereof be paid within five years from its
4 passage.

SECT. 10. Said corporation is hereby authorized to issue
2 bonds for the purpose of constructing its railroad, or for
3 money which it may borrow for any purpose sanctioned
4 by law, but the bonds so issued shall not exceed the
5 amount of the capital stock paid in by the stockholders.
6 Said bonds may be issued in sums of not less than fifty
7 dollars each, payable in not more than twenty years from
8 their date, with interest at a rate to be determined by
9 the directors of said corporation, payable semi-annually.

SECT. 11. Such bonds shall be approved by a majority
2 of the finance committee of said corporation, who shall
3 certify that each of said bonds is properly issued and
4 recorded upon the books of said corporation. All bonds
5 and notes which shall be issued by said corporation shall
6 be binding and collectable in law, notwithstanding such
7 bonds or notes may be negotiated and sold by said cor-
8 poration or its agents at less than their par value.

SECT. 12. Said bonds shall be secured by a conveyance
2 of the corporate property to three trustees by a suitable
3 instrument of mortgage to secure the payment of said
4 bonds.

SECT. 13. Said corporation shall pay semi-annually
2 to said trustees a sum equal to one per cent on the amount
3 of said bonds for the purpose of creating a sinking fund.
4 Said trustees shall have the management and care of all
5 moneys, funds and securities belonging to said sinking
6 fund, and they shall from time to time, at their discretion,

7 invest the moneys on hand securely, and so that the same
8 shall be productive, and the same may be invested in the
9 bonds of said corporation, secured as aforesaid, or loaned
10 on interest to any county, city or town, or any bank in
11 this State, or the same may be loaned on interest, well
12 secured by a first mortgage of real estate to an amount
13 not exceeding one-half the value thereof, or by pledge
14 of the scrip or stock of any of the New England States,
15 or any city, county or town as aforesaid, and the said
16 fund, with the accruing interest, shall constitute a sinking
17 fund for the payment and redemption of said bonds.

SECT. 14. The provisions of the fifty-first chapter of
2 the Revised Statutes, relative to the foreclosure and re-
3 demption of mortgages, are hereby made applicable to
4 said bonds and to said mortgages made to secure the
5 same, but said corporation shall not be subject to the
6 other general provisions of the law relating to railroads.

SECT. 15. This act shall take effect when approved by
2 the governor.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
February 14, 1885. }

Presented by Mr. THAYER, from Committee on Railroads, and on
motion of Mr. DICKEY ordered printed.

NICHOLAS FESSENDEN, *Clerk.*