

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

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.
1887.

ACTS AND RESOLVES

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SIXTY-FOURTH LEGISLATURE

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1889.

be paid to said corporation, and if said corporation shall neglect for thirty days to satisfy any judgment recovered against it in any court in this state, upon any certificate issued by it, the said treasurer shall apply the money so in his hands to the satisfaction of said judgment, and said corporation shall not transact any business until said deposit is restored.'

—shall be used to satisfy any judgment.

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

Approved February 2, 1889.

Chapter 306.

An Act to incorporate the Brunswick Electric Railroad Company.

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

SECT. 1. Charles B. Story, Frederick H. Wilson, John P. Winchell, George E. Woodbury and Frank C. Webb, their associates and successors, are hereby constituted a corporation by the name of the Brunswick Electric Railroad Company, with authority to construct, maintain and use a railroad to be operated by animal, steam or electric power, with convenient single or double tracks, within the towns of Brunswick and Harpswell, in the county of Cumberland, and Topsham, in the county of Sagadahoc; provided, however, that all tracks of said railroad shall be laid at such distances from the sidewalks of said towns, as the municipal officers thereof, respectively, determine to be for public safety and convenience. Said corporation may, from time to time, fix such rates of compensation for transporting persons or property, as it may deem expedient, and generally, shall have all the powers and be subject to all the liabilities of corporations as set forth in the forty-sixth chapter of the Revised Statutes and amendments thereto. If the use of the streets, roads or highways occupied by said company's railroad is granted by the municipal officers of either of said towns, to any other corporation or person, it shall be upon condition that such corporation or person shall purchase of said company all its property of every description in necessary use for the purposes of said railroad, upon such terms as may be agreed upon by the parties, or determined by persons selected by them; and if they are unable to agree, the value of the same

Corporators.

Corporate name.

—authorized to construct a railroad.

—route.

—to fix rates.

—conditions upon which use of streets may be granted another company.

—terms of purchase, how determined.

CHAP. 306

—value of property, how determined, in case of disagreement.

shall be determined by three disinterested men appointed by a judge of the supreme judicial court, on application of either party and hearing thereon. Said appraisers shall be sworn, give notice of the time and place of their meeting to examine and appraise said property, and shall make to each party a written award, and their services shall be paid for, in equal proportion by the parties.

Railroad, how operated.

—municipal officers shall have power to regulate speed, etc.

SECT. 2. Said railroad shall be occupied and used by said corporation with animal, steam or electric power only. The municipal officers of each of said towns shall have power at all times to make all such regulations valid and binding within the limits of their town only, as to the rate of speed of cars or trains, and removal of snow and ice from the streets, roads and highways from and alongside of its track by said company, at its expense, as the public convenience and safety may require.

Company shall keep streets occupied by it, in repair.

SECT. 3. Said corporation shall keep and maintain in repair, such portion of the streets, town or county roads, as shall be occupied by the tracks of its railroad, and shall make all other repairs of said streets or roads which may be rendered necessary by the occupation of the same by said railroad, and if not repaired upon reasonable notice, such repairs may be made by the town in which the necessity exists, at the expense of said corporation, and said town may recover all expenses in an action of money paid for the use of said railroad company. Said corporation shall be liable for any loss or damage which any person may sustain by reason of any carelessness, neglect or misconduct of its agents or servants, or by reason of any defect in so much of said streets or roads as is occupied by said railroad, if such defect arises from neglect or misconduct of the corporation, its servants or agents; and in actions brought against the company to recover damages by reason of such defects, the plaintiff shall have the rights and be subject to the burdens of proof and limitations and conditions provided by the general statutes applicable to suits for such causes against towns, the directors of said company standing in this respect in place of town officers.

—liability for damage in cases of neglect.

Penalty for obstructing corporation.

SECT. 4. If any person shall wilfully and maliciously obstruct said corporation in the use of its road or tracks, or the passing of the cars or carriages of said corporation thereon, such person, and all who shall aid and abet therein, shall be

fined not exceeding two hundred dollars, or imprisoned in a county jail not exceeding sixty days. CHAP. 306

SECT. 5. The capital stock of said company shall not exceed two hundred thousand dollars, to be divided into shares of fifty dollars each, and no share shall be issued for less than the par value, or be liable to assessment by the corporation. Capital stock.

SECT. 6. Said corporation may purchase and hold such real estate as may be necessary and convenient for the purposes and management of said railroad. May hold real estate.

SECT. 7. If the location of said company's railroad crosses any steam railroad, the manner and terms of crossing shall be determined by the railroad commissioners before the construction of the railroad built under this charter, at such crossing. Crossings shall be determined by R. R. Commissioners.

SECT. 8. Nothing in this act shall prevent the proper authorities of either town from entering upon or taking up any of the streets, town or county roads occupied by said railroad, for any purpose for which they may lawfully take up the same. Town authorities may take up any street, for lawful purposes.

SECT. 9. This act shall be void unless the same shall be accepted by said corporation and five per cent of the capital stock thereof, be paid within five years from its approval. When act becomes void.

SECT. 10. Said corporation may issue bonds for the purpose of constructing its railroad, or for refunding, or for money which it may borrow for any purpose sanctioned by law, but the bonds so issued shall not exceed the amount of capital stock paid in at the time of the issue by the stockholders. Said bonds may be issued in sums not less than one hundred dollars each, payable in not more than twenty years from their date, with interest payable semi-annually. May issue bonds.

SECT. 11. Such bonds shall be approved by a majority of the directors of said corporation, who shall certify that each of said bonds is properly issued. All bonds and notes which shall be issued by said corporation shall be binding and collectable in law, notwithstanding they may be negotiated and sold by such corporation or its agents, at less than their par value. Bonds shall be approved by majority of directors.

SECT. 12. Such bonds shall be secured by a conveyance of the corporate property to three trustees, by a suitable instrument of mortgage, to secure the payment of said bonds. Bonds, how secured.

SECT. 13. A way for said corporation may be laid out in either town under the general statutes which make provision General statutes applicable to laying out roads.

CHAP. 307

for the laying out and establishment of private ways; and all the provisions of said general statutes, including those relative to the ascertainment and payment of damages, shall be applicable.

Certain sections of ch. 51, R. S., applicable.

SECT. 14. Sections fourteen and thirty-two and the intervening sections, and sections thirty-six, thirty-seven, thirty-eight and thirty-nine of chapter fifty-one of the revised statutes, are applicable and available to the corporation created by this act.

Ch. 245, Special Laws of 1887, repealed.

SECT. 15. Chapter two hundred and forty-five of the private and special laws of eighteen hundred and eighty-seven, is hereby repealed.

Approved February 4, 1889.

Chapter 307.

An Act to incorporate the Commercial Union Telegraph Company of Maine

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

SECT. 1. H. S. Osgood, S. R. Small, W. T. Cobb, Charles E. Arnold, Seth L. Larrabee, Albion Little, Fred N. Dow, William Engel, Henry Russell, Edward J. Slattery, George C. Wing, William D. Pennell, P. O. Vickery, Louis C. Stearns, E. K. O'Brien, their associates, successors and assigns, are hereby created a body corporate, by the name of the Commercial Union Telegraph Company of Maine, with all the rights and privileges, and subject to all the duties provided by the general laws of this state, relating to corporations, with power by that name, to sue and be sued, to have and use a common seal, and the same to be changed at pleasure; to establish any and all by-laws and regulations for the management of their affairs not repugnant to the laws of this state, and to do and perform any and all other legal and lawful acts incident to similar corporations; and said company shall have the right to locate and construct its lines of telegraph upon and along any public highway or bridge, or along or upon the line of any railroad, and subject to the provisions of chapter three hundred seventy-eight of the public laws of eighteen hundred and eighty-five, but in such manner as not to incommode or endanger the customary

Corporators.

Corporate name.

—rights and privileges.

—seal.

—by-laws.

—may construct lines of telegraph.