

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DOCUMENTS

PUBLISHED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE.

1867.

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1867.

FORTY-SIXTH LEGISLATURE.

HOUSE.

No. 63.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN.

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. Thomas K. Lane, Esreff H. Banks, 2 John C. Bradbury, Frank Atkinson, and Marshal 3 Pierce, their associates and successors, are hereby 4 constituted a corporation by the name of the Biddeford 5 and Saco Railroad Company, with authority to con- 6 struct, maintain and use, a railroad to be operated by 7 horse-power, with convenient single or double tracks, 8 from such point or points in the city of Biddeford, and 9 over such streets and bridges therein, as shall from 10 time to time be fixed and determined by the municipal

11 officers of said city of Biddeford, and assented to in
12 writing by the directors of said corporation, to the
13 boundary line between said city and the town of Saco,
14 and thence upon and over such bridges, streets, and
15 town and county roads in said town of Saco, as from
16 time to time may be fixed by the municipal officers of
17 said town, and assented to in writing by the directors
18 aforesaid, to some point at or near the congregational
19 church, and to such other point or points in said town
20 of Saco, as may in like manner from time to time be
21 fixed and determined by the municipal officers of said
22 town, and assented to in writing by the directors
23 aforesaid. Said corporation shall also have authority
24 to construct, maintain and use said railroad, over and
25 upon any lands where the land damages have been
26 mutually settled by said corporation and the owners
27 thereof; *provided however*, that all tracks of said rail-
28 road shall be laid at such distances from the sidewalks
29 of said city of Biddeford and town of Saco, as the
30 municipal officers thereof respectively shall in their
31 order fixing the routes of said railroad, determine to
32 be for public safety and convenience. The written
33 assent of the directors aforesaid to any note or notes of
34 the municipal officers of either said city or town pre-
35 scribing from time to time the routes of said railroad

36 shall be filed with the respective clerks of said city or
37 town, and shall be taken and deemed to be the loca-
38 tion thereof. Said corporation shall have power from
39 time to time to fix such rates of compensation for
40 transporting persons or property as it may think expe-
41 dient, and generally shall have all the power and be
42 subject to all the liabilities of corporations as set forth
43 in the forty-sixth chapter of the revised statutes.
44 Rails shall not be laid down in said city or town,
45 without the assent of the municipal officers thereof
46 respectively. *The original location of the route
47 when granted shall be for the term of twenty-five
48 years. The same may be renewed from time to time
49 for a term not exceeding twenty-five years at any one
50 time, by said municipal officers, upon such terms as
51 they may deem expedient. No such renewal shall be
52 granted prior to two years before the expiration of the
53 location then established. No location shall be
54 granted or renewed except upon reasonable prior
55 notice to all parties interested. If at the expiration
56 of any of said terms the use of the streets, roads, or
57 highways occupied by said company's railroad is
58 granted by the municipal officers of either said city or
59 both, to any other corporation or person, it shall be
60 upon condition that such corporation or person shall
61 purchase of said company all its property of every de-

62 scription in necessary use for the purposes of said rail-
63 road upon such terms as may be agreed upon by the
64 parties or determined by persons selected by them,
65 and if they are unable to agree, the value of the same
66 shall be determined by three disinterested persons
67 appointed by a judge of the supreme judicial court, on
68 application of either party, and hearing thereon.
69 Said appraisers shall be sworn, give notice of the
70 time and place of their meeting, to examine and ap-
71 praise said property, and shall make to each party a
72 written award, and their services shall be paid in
73 equal proportion by the parties. If the municipal
74 officers of either said city or town or both determine
75 that at the expiration of any of said terms the use of
76 the streets, roads or highways occupied by said com-
77 pany's railroad, shall be granted to any person or
78 corporation for the purposes of a horse-railroad, on
79 the payment of any sum of money yearly, or in any
80 other manner, said company shall have the preference,
81 and such use shall be granted or renewed to said com-
82 pany ; *provided* it will pay as much therefor as any
83 other corporation or person.

SECT. 2. Said railroad shall be operated and used
2 by said corporation with horse-power only. The
3 municipal officers of said city of Biddeford and of said
4 town of Saco, respectively, shall have power at all

5 times to make all such regulations as to the rates of
6 speed and removal of snow and ice from the streets,
7 roads and highways by said company, at its expense,
8 and mode of use of the tracks of said railroad, within
9 said city or town as the public convenience and safety
10 require.

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

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

7 in the county jail for a period not exceeding sixty
8 days.

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

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

SECT. 7. Said railroad shall be constructed and
2 maintained in such form and manner, and with such
3 rail and upon such grade as the municipal officers of
4 said city of Biddeford and said town of Saco, respect-
5 ively, shall from time to time prescribe and direct,
6 and whenever in the judgment of said corporation it
7 shall be necessary to alter the grade of any street,
8 town or county road, occupied by its railroad, said al-
9 terations may be made at the sole expense of said cor-
10 poration, provided the same shall be assented to by
11 the municipal officers of said city and town respect-
12 ively. If the tracks of said company's railroad cross
13 any other railroad of any kind, in either said city or
14 town, and a dispute arises in any way in regard to the
15 manner of crossing said municipal officers of the town

16 or city in which said proposed crossing is to be made,
17 shall upon hearing decide and determine, in writing,
18 in what manner the crossing shall be made, which
19 shall be constructed accordingly.

SECT. 8. Nothing in this act shall be construed to
2 prevent the proper authorities of said city or town
3 respectively from entering upon and taking up any of
4 the streets, town or county roads, occupied by said
5 railroad for any purpose for which they may now law-
6 fully take up the same.

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

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

SECT. 11. Such bonds shall be approved by a major-
2 ity of the finance committee of said corporation, who

3 shall certify that each of said bonds is properly issued
4 and recorded upon the books of said corporation. All
5 bonds and notes which shall be issued by said corpora-
6 tion, shall be binding and collectable in law, notwith-
7 standing such bonds or notes may be negotiated and
8 sold by said corporation or its agents at less than their
9 par value.

SECT. 12. Said bonds shall be secured by a con-
2 veyance of the corporate property to three trustees by
3 a suitable instrument of mortgage to secure the pay-
4 ment of said bonds.

SECT. 13. Said corporation shall pay semi-annually
2 to said trustees a sum equal to one per cent. on the
3 amount of said bonds for the purpose of creating a
4 sinking fund. Said trustees shall have the manage-
5 ment and care of all moneys, funds and securities, be-
6 longing to said sinking fund, and they shall from time
7 to time at their discretion invest the moneys on hand
8 securely, and so that the same shall be productive, and
9 the same may be invested in the bonds of said corpora-
10 tion, secured as aforesaid, or loaned on interest to any
11 county, city or town, or any bank in this state, or the
12 same may be loaned on interest well secured by a first
13 mortgage of real estate to an amount not exceeding
14 one-half the value thereof, or by pledge of the scrip
15 or stock of any of the New England States, or of any

16 city, county or town as aforesaid; and the said fund
17 with the accruing interest shall constitute a sinking
18 fund for the payment and redemption of said bonds.

SECT. 14. The provisions of the fifty-third section
2 of the fifty-first chapter of the revised statutes, and
3 of the nine sections of said chapter next following,
4 are hereby made applicable to said bonds and to said
5 mortgages made to secure the same; but said corpo-
6 ration shall not be subject to the other general provis-
7 ions of the law relating to railroads.

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

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 13, 1867. }

Reported from the Committee on Railroads, Ways and Bridges,
by Mr. WALTON, and on his motion laid on the table and or-
dered to be printed.

FRANKLIN M. DREW, *Clerk.*