

MAINE STATE LEGISLATURE

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FIFTY-SECOND LEGISLATURE.

SENATE.

No. 35.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SEVENTY-THREE.

AN ACT to incorporate the Biddeford and Saco Street
Railway Company.

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

SECTION 1. J. M. Stone, Timothy Shaw, Jr , Ivory
2 Lord, W. F. Lunt, Edward Eastman, T. K. Lane, N.
3 T. Boothby, J. E. Butler, E. H. Banks, E. B. Smith,
4 Thos. H. Cole, E. W. Staples, John C. Bradbury, O.
5 H. Staples, James Andrews, Geo. S. West, Wm. H.
6 Deering, C. A. Farr, Charles H. Milliken, their asso-
7 ciates and successors, are hereby constituted a corpo-
8 ration by the name of the Biddeford and Saco Street
9 Railway Company, with authority to construct, main-
10 tain and use a street railroad, with convenient single
11 or double tracks, from such point or points in the city

12 of Biddeford, and over such streets and bridges therein
13 as shall from time to time be fixed and determined by
14 the municipal officers of said city of Biddeford, and
15 assented to in writing by the directors of said corpora-
16 tion, to the boundry line between said city and the
17 city of Saco, and thence upon and over such bridges,
18 streets, and town and county roads in said city of Saco
19 as from time to time may be fixed by the municipal
20 officers of said city, and assented to in writing by the
21 directors aforesaid. Said corporation shall also have
22 authority to locate, construct, maintain and use said
23 railroad over and upon any other lands, and the land
24 damages in such case shall be settled as provided by
25 law in the case of land taken for railroad purposes.
26 All tracks of said railroad laid in the streets of the
27 cities of Saco and Biddeford shall be laid at such
28 distances from the sidewalks of said cities of Biddeford
29 and Saco, as the municipal officers thereof respectively
30 shall in their order fixing the routes of said railroad
31 determine to be for public safety and convenience.
32 The written assent of the directors aforesaid to any
33 vote or votes of the municipal officers of either said
34 city or town prescribing from time to time the routes
35 of said railroad, shall be filed with the respective clerks
36 of said city or town, and shall be taken and deemed
37 to be the location thereof. Said corporation shall have

38 power from time to time to fix such rates of compen-
39 sation for transporting persons or property as it may
40 think expedient, and generally shall have all the
41 power and be subject to all the liabilities of corpora-
42 tions as set forth in the forty-sixth chapter of the
43 revised statutes. Rails shall not be laid down in said
44 cities without the assent of the municipal officers
45 thereof respectively. The original location of the
46 route when granted shall be for the term of thirty
47 years. The same may be renewed from time to time
48 for a term not exceeding thirty years at any one time,
49 by said municipal officers, upon such terms as they
50 may deem expedient. No such renewal shall be
51 granted prior to two years before the expiration of the
52 location then established. No location shall be granted
53 or renewed except upon reasonable prior notice to all
54 parties interested. If at the expiration of any of said
55 terms the use of the streets, roads or highways, occu-
56 pied by said company's railroad, is granted by the
57 municipal officers of either of said cities, or both, to
58 any other corporation or person, it shall be upon con-
59 dition that such corporation or person shall purchase
60 of said company all its property of every description in
61 necessary use for the purposes of said railroad, upon
62 such terms as may be agreed upon by the parties or
63 determined by persons selected by them ; and if they

64 are unable to agree, the value of the same shall be
65 determined by three disinterested persons appointed
66 by a judge of the supreme judicial court on application
67 of either party, and hearing thereon. Said appraisers
68 shall be sworn and shall give notice of the time and
69 place of their meeting, and examine and appraise said
70 property, and shall make to each party a written
71 award, and their services shall be paid in equal pro-
72 portions by the parties.

SECT. 2. 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 aid and
5 abet therein, shall be punished by a fine not exceeding
6 two hundred dollars, or may be imprisoned in the
7 county jail for a period not exceeding sixty days.

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

SECT. 4. Said corporation shall have power to take
2 or purchase and hold such real estate as may be neces-
3 sary and convenient for the purposes and management
4 of said railroad.

SECT. 5. 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 cities of Biddeford and Saco, respectively, shall
5 direct; and said corporation may lease its said rail-
6 road, or transfer or assign its charter, either before
7 or after the construction of its said railroad. If
8 the tracks of said company's railroad cross any other
9 railroad of any kind, in either said city or town, and a
10 dispute arises in any way in regard to the manner of
11 crossing, said municipal officers of the town or city in
12 which said proposed crossing is to made, shall upon
13 hearing decide and determine, in writing, in what
14 manner the crossing shall be made, which shall be
15 construed accordingly.

SECT. 6. Nothing in this act shall be construed to
2 prevent the proper authorities of said cities from enter-
3 ing upon and taking up any of the streets, town or
4 county roads occupied by said railroad, for any pur-
5 poses for which they may now lawfully take up the
6 same.

SECT. 7. 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; and all acts inconsistent with
5 this act are hereby repealed.

SECT. 8. Said corporation is hereby authorized to
2 issue bonds for the purpose constructing its railroad,

3 or for money which it may borrow for any purpose
4 sanctioned by law, but the bonds so issued shall not
5 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 the
9 rate of seven per cent., payable semi-annually.

SECT. 9. The provisions of the fifty-third section of
2 the fifty-first chapter of the revised statutes, and of
3 the nine sections of said chapter next following, are
4 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. 10. This act shall take effect when approved.

STATE OF MAINE.

• IN SENATE, February 14, 1873.

Reported from the Committee on Railroads, by Mr. BUTLER of York, and on motion of Mr. FARRINGTON laid on the table and ordered to be printed.

SAMUEL W. LANE, *Secretary.*