

# MAINE STATE LEGISLATURE

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# DOCUMENTS

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# THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING THE SESSION

A. D. 1891.



AUGUSTA:  
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1892.

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# Sixty-Fifth Legislature.

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SENATE.

No. 48.

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## STATE OF MAINE.

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

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AN ACT to incorporate the Suburban Railroad Company.

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

SECTION 1. Wilbur F. Lunt, W. H. Scott, Charles  
2 Goodridge, Clinton A. Woodbury, George Burnham,  
3 George Libby, Charles E. Jose, E. P. Chase, F. A. Gil-  
4 bert and James English, their associates, successors and  
5 assigns, are hereby constituted a corporation by the name  
6 of the Suburban Railroad Company, with authority to con-  
7 struct, maintain and use a railroad, to be operated by  
8 animal or electrical power, with convenient single or  
9 double tracks, and to erect poles and place wires for the  
10 same from such points in the towns of Cape Elizabeth,  
11 Westbrook and Deering and the city of Portland, and  
12 upon and over such streets and roads therein, as may from

13 time to time be fixed and determined by the municipal  
14 officers of said city and towns, and assented to in writing  
15 by said corporation. Said corporation shall have authority  
16 to construct, maintain and operate said railroad over and  
17 upon any lands where the land damages have been  
18 mutually settled between said corporation and the owners  
19 thereof; provided, however, that all tracks of said rail-  
20 road shall be laid at such distance from the sidewalks of  
21 said city and towns as the respective municipal officers  
22 thereof shall, in their order fixing the route of said rail-  
23 road, determine to be for public safety and convenience.  
24 The written consent of said corporation to any vote or  
25 votes of said city and towns, prescribing, from time to  
26 time, the routes of said railroad, shall be recorded with  
27 the respective clerks of said city and towns, and shall be  
28 deemed to be the location thereof, and such location may  
29 be changed from time to time whenever the railroad com-  
30 missioners shall, on petition of the municipal officers of  
31 either said city or of said towns, after due notice and  
32 hearing, adjudge such change necessary for the public  
33 convenience, and order the same to be done. Said cor-  
34 poration shall have the power, from time to time, to fix  
35 such rates of compensation for transportation of persons  
36 and property as it may deem expedient, and generally  
37 shall have all the powers, and be subject to all the liabili-  
38 ties of corporations as set forth in the forty-sixth chapter  
39 of the Revised Statutes. When by reason of heavy  
40 snows, or causes which cannot be removed without unrea-  
41 sonable expense, said corporation is unable to run its  
42 cars by electricity, it may convey passengers by such other  
43 means as its officers deem expedient.

SECT. 2. Said railroad shall be operated and used by  
2 said corporation with animal or electrical power. The  
3 municipal officers of said towns of Westbrook, Cape  
4 Elizabeth and Deering, and the municipal officers of said  
5 city of Portland, respectively shall have power at all  
6 times, to make all such regulations as to the rate of speed,  
7 and removal of snow and ice from the streets, roads and  
8 highways, by said company at its expense, and mode of  
9 use of the tracks of said railroad within said city or towns,  
10 as the public convenience and safety may require.

SECT. 3. Said corporation shall maintain and keep in  
2 repair such portions of the streets or roads as shall be  
3 occupied by the tracks of its railroad, and shall make all  
4 other repairs of said streets or roads which may be ren-  
5 dered necessary by the occupation of the same by said  
6 railroad ; and if the cars of said corporation are drawn by  
7 animals, excepting when the rails are covered by snow or  
8 ice, said corporation shall lay such pavings as may be  
9 required by the city council of said city, or municipal  
10 officers of said towns. And said corporation shall be  
11 liable for any loss or damage which any person may sus-  
12 tain by reason of any carelessness, neglect or misconduct  
13 of its agents or servants, or of any obstruction by them  
14 placed in the streets or roads of said city or towns, and  
15 shall save and hold said city and towns harmless from any  
16 suits for such loss or damage. Said corporation shall not  
17 cut, injure or destroy any shade or ornamental trees in  
18 said streets or roads.

SECT. 4. If any person shall wilfully or maliciously,  
2 obstruct said corporation in the use of its roads, tracks or  
3 property, or the passing of the cars, or carriages of said cor-

4 poration thereon, such person, and all who shall aid and  
5 abet therein, shall be punished by a fine not exceeding two  
6 hundred dollars, or may be imprisoned in the county jail  
7 for a term not exceeding sixty days.

SECT. 5. The capital stock of said corporation shall not  
2 exceed two hundred and fifty thousand dollars, to be  
3 divided into shares of one hundred dollars each.

SECT. 6. Said corporation shall have the power to lease,  
2 purchase and hold such real and personal estate and motive  
3 power as may be necessary and convenient, for the pur-  
4 poses and management of said railroad.

SECT. 7. Said railroad shall be constructed and main-  
2 tained in such a form and manner, and with such rails  
3 and other appliances as may be deemed necessary by the  
4 corporation, and upon such grades as the municipal  
5 officers of said towns and city, respectively, shall from  
6 time to time prescribe and direct; and whenever, in the  
7 judgment of said corporation, it shall be necessary to  
8 alter the grade of any street, city or county road, said  
9 alterations may be made at the sole expense of said cor-  
10 poration, provided, the same shall be assented to by the  
11 municipal officers of said city and towns respectively. If  
12 the tracks of said company's railroad cross any other rail-  
13 road of any kind, in either of said towns or city, and a  
14 dispute arises in any way, in regard to the manner of  
15 crossing, the board of railroad commissioners of the State,  
16 shall upon hearing both parties, decide and determine in  
17 writing, in what manner the crossing shall be made, and  
18 it shall be constructed accordingly.

SECT. 8. Nothing in this act shall be construed to pre-  
2 vent the proper authorities of said city and towns, respec-

3 tively, from entering upon and taking up any of the streets,  
4 city and county roads, occupied by said railroad, for any  
5 purpose for which they may now take up the same.

SECT. 9. Said corporation is hereby authorized to issue  
2 bonds for the purpose of building its railroad, or for any  
3 money which it may borrow for any purpose sanctioned by  
4 law, but the bonds so issued shall not exceed the amount of  
5 capital stock actually paid in. Said bonds may be issued in  
6 sums not less than one hundred dollars each, payable not  
7 more than twenty years from that date, with interest  
8 not exceeding the rate of six per cent, payable semi-  
9 annually. All bonds which shall be issued by said company,  
10 shall be binding and collectible in law, notwithstanding  
11 such bonds may be negotiated and sold by said corporation  
12 or its agents, at less than their par value. Said bonds  
13 shall be secured by a conveyance of the corporate prop-  
14 erty and franchise, by a suitable instrument of mortgage,  
15 to secure the payment of the bonds.

SECT. 10. Any person or corporation lawfully operating  
2 any similar railroad, to which this corporation's tracks extend  
3 may enter upon, connect with and use the same, on such  
4 terms and in such manner as may be agreed upon between  
5 the parties, and this corporation may so enter upon, connect  
6 with and use the tracks of such other corporation; or, if  
7 they shall not agree, to be determined upon by the railroad  
8 commissioners of the State of Maine.

SECT. 11. The first meeting of said corporation may  
2 be called by any two of said corporators, giving actual  
3 notice in writing to their several associates, and said cor-  
4 poration may make such by-laws as are proper and not  
5 contrary to the laws of the State.

SECT. 12. The main line of said railroad, from said  
2 Westbrook to said Portland, shall be constructed and com-  
3 pleted within two years from the approval of this act,  
4 otherwise this charter shall be void.

SECT. 13. Said railroad shall not be deemed to be a  
2 railroad within the meaning of that term as used in the  
3 Revised Statutes and public laws of the State, but shall  
4 have all the rights and be subject to all the liabilities and  
5 restrictions of kindred railroads within the State.

SECT. 14. The said corporation may lease or grant the  
2 use or control of its road, or any part of it, to any railroad  
3 company with whose line it may connect, without the con-  
4 sent of the legislature.

SECT. 15. The said railroad shall be constructed and  
2 maintained in such form and manner, and with such rails  
3 and appliances, that so much of the streets and roads as  
4 are occupied thereby shall be safe and convenient for  
5 travelers; and said corporation shall be liable in an action  
6 on the case for any loss or damage which any person may  
7 sustain by reason of any failure to comply with this pro-  
8 vision. If any street or road occupied by the tracks of  
9 said railroad is paved or macadamized, said corporation  
10 shall maintain and keep in repair such paving or macad-  
11 amizing between its rails and for a space one foot wide  
12 outside thereof.

SECT. 16. Wherever it is practicable to use the existing  
2 poles of any electric light, telephone or telegraph com-  
3 pany, or any tree or structure of any kind, for any of the  
4 wires of said corporation, and the owner thereof consents  
5 to the free use of the same or at a price satisfactory to  
6 said corporation, the said corporation shall make use of



7 the same ; and the decision as to the practicability of such  
8 use shall be left to three persons skilled in the science of  
9 electricity, one to be chosen by the said corporation, one  
10 by the municipal officers, and the third by the two so  
11 chosen ; the decision of a majority of said board shall be  
12 final, and the expense of said tribunal shall be borne by  
13 said corporation. In the erection and maintenance of its  
14 poles, posts and wires, the said corporation shall be sub-  
15 ject to the general laws of the State, regulating the  
16 erection of posts and lines for purposes of electricity.

SECT. 17. This act shall take effect when approved.

STATE OF MAINE.

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IN SENATE, February 6, 1891.

Presented by Mr. MOORE of Cumberland and on motion by same Senator, laid on table to be printed, pending reference to Committee on Railroads, Telegraphs and Expresses.

KENDALL M. DUNBAR, *Secretary.*