

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1867.

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1867.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1867.

Chapter 335.

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 :

Corporators.	SECT. 1. Thomas K. Lane, Esreff H. Banks, John C. Bradbury,
Name and purpose.	Frank Atkinson and Marshall Pierce, their associates and successors, are hereby constituted a corporation by the name of the Biddeford and Saco Railroad Company, with authority to construct, maintain and use, a railroad to be operated by horse-power, with
Location and condition of construction.	convenient single or double tracks, from such point or points in the city of Biddeford, and over such streets and bridges therein, as shall from time to time be fixed and determined by the municipal officers of said city of Biddeford, and assented to in writing by the directors of said corporation, to the boundary line between said city and the town of Saco, and thence upon and over such bridges, streets, and town and county roads in said town of Saco, as from time to time may be fixed by the municipal officers of said town, and assented to in writing by the directors aforesaid, to some point at or near the Congregationalist church, and to such other point or points in said town of Saco, as may in like manner from time to time be fixed and determined by the municipal officers of said town, and assented to in writing by the directors aforesaid. Said corporation shall also have authority to construct, maintain and use said railroad, over and upon any lands where the land damages have been mutually settled by said corporation and the owners thereof; <i>provided however</i> , that all tracks of said railroad shall be laid at such distances from the sidewalks of said city of Biddeford and town of Saco, as the municipal officers thereof respectively shall in their order fixing the routes of said railroad, determine to be for public safety and convenience. The written assent of the directors aforesaid to any note or notes of the municipal officers of either said city or town prescribing from time to time the routes of said railroad shall be filed with the respective clerks of said city or town, and shall be taken and deemed to be the location thereof. Said corporation shall have power from time to time to fix such rates of compensation for transporting persons or property as it may think expedient, and generally shall have all the power and be subject to all the liabilities of corporations as set forth in the forty-sixth chapter of the revised statutes. Rails shall not be laid down in said city or town, without the assent of the municipal officers thereof respectively. The original location of the route when granted shall be for the term of twenty-five years. The same may be renewed from time to time for a term not exceeding twenty-five years at any one time, by said municipal officers, upon such terms as they may deem expedient. No such renewal shall be granted
Land damages.	
Tracks, where laid.	
Routes.	
Tolls.	
Limit of charter.	
Renewals, how made, and condition of same.	

prior to two years before the expiration of the location then established. No location shall be granted or renewed except upon reasonable prior notice to all parties interested. If at the expiration of any of said terms the use of the streets, roads or highways occupied by said company's railroad is granted by the municipal officers of either said city or town or both, 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 shall be determined by three disinterested persons 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 in equal proportion by the parties. If the municipal officers of either said city or town or both determine that at the expiration of any of said terms the use of the streets, roads or highways occupied by said company's railroad, shall be granted to any person or corporation for the purposes of a horse-railroad, on the payment of any sum of money yearly, or in any other manner, said company shall have the preference, and such use shall be granted or renewed to said company; *provided* it will pay as much therefor as any other corporation or person.

Sale of corporate property, when and how made.

Value, how determined.

Duty of appraisers.

Conditions as to use of streets, &c., after expiration of charter.

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

Horse power only to be used.

Powers of municipal officers as to rates of speed, condition of track, &c.

SECT. 3. Said corporation shall keep and maintain in repair such portions 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, in the opinion of the municipal officers of said city or town, respectively, may be rendered necessary by the occupation of the same by said railroad, and if not repaired within reasonable notice, such repairs may be made by said city or town, respectively, at the expense of said corporation; and 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.

Repairs.

Accidents.

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Malicious
trespass and
penalties
therefor.

SECT. 4. If any person shall wilfully or 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 punished by a fine not exceeding two hundred dollars, or may be imprisoned in the county jail for a period not exceeding sixty days.

Capital and
shares.

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

Real estate.

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

Construction
and mainten-
ance to be
under direction
of municipal
officers.

Alterations of
grade, &c.,
how made.

SECT. 7. Said railroad shall be constructed and maintained in such form and manner, and with such rail and upon such grade as the municipal officers of said city of Biddeford and said town of Saco, respectively, shall from time to time prescribe and direct; and whenever in the judgment of said corporation it shall be necessary to alter the grade of any street, town or county road, occupied by its railroad, said alterations may be made at the sole expense of said corporation, provided the same shall be assented to by the municipal officers of said city and town respectively.

Crossings.

If the tracks of said company's railroad cross any other railroad of any kind, in either said city or town, and a dispute arises in any way in regard to the manner of crossing, said municipal officers of the town or city in which said proposed crossing is to be made, shall upon hearing decide and determine, in writing, in what manner the crossing shall be made, which shall be constructed accordingly.

Authority of
municipal
officers as to
taking streets,
&c.

SECT. 8. Nothing in this act shall be construed to prevent the proper authorities of said city or town, respectively, from entering upon and taking up any of the streets, town or county roads, occupied by said railroad for any purposes for which they may now lawfully take up the same.

Validity of act
and condition
of same.

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

Bonds and
limit of same.

SECT. 10. Said corporation is hereby authorized to issue bonds for the purpose of constructing its railroad, 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 by the stockholders. Said bonds may be issued in sums of not less than fifty dollars each, payable in not more than twenty years from their date, with interest at the rate of six per cent., payable semi-annually.

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

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How approved and certified.

To be binding and collectable.

SECT. 12. Said 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.

How secured.

SECT. 13. Said corporation shall pay semi-annually to said trustees a sum equal to one per cent. on the amount of said bonds for the purpose of creating a sinking fund. Said trustees shall have the management and care of all moneys, funds and securities belonging to said sinking fund, and they shall from time to time, at their discretion, invest the moneys on hand securely, and so that the same shall be productive, and the same may be invested in the bonds of said corporation, secured as aforesaid, or loaned on interest to any county, city or town, or any bank in this state, or the same may be loaned on interest, well secured by a first mortgage of real estate to an amount not exceeding one-half the value thereof, or by pledge of the scrip or stock of any of the New England States, or of any city, county or town as aforesaid; and the said fund, with the accruing interest, shall constitute a sinking fund for the payment and redemption of said bonds.

Sinking fund.

How managed, loaned, invested, &c.

SECT. 14. The provisions of the fifty-third section of the fifty-first chapter of the revised statutes, and of the nine sections of said chapter next following, are hereby made applicable to said bonds and to said mortgages made to secure the same; but said corporation shall not be subject to the other general provisions of the law relating to railroads.

Provisions of R. S. made applicable to bonds and mortgage.

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

Approved February 22, 1867.

Chapter 336.

An act to incorporate the North Anson and Skowhegan Telegraph Company.

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

SECT. 1. George A. Fletcher, Thomas Gray, Albert Moore, Isaac Palmer, John M. Wood, Edward Howe, Stephen D. Lindsey and John W. Hilton, their associates, successors and assigns, are here-

Corporators.