

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1880.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1880.

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CHAP. 249 detained beyond the ninety-six hours above mentioned, shall have the right to assist in the sorting of such logs, and shall be entitled to receive from said Canton Steam Mill Company a reasonable compensation therefor.'

Approved March 4, 1880.

### Chapter 249.

An act to incorporate the Ocean Street Railroad Company.

Whereas, the objects of this corporation cannot be otherwise attained,

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

Corporators.	SECT. 1. John Read, Charles Goodridge, John J. Frye, Jason M. Carleton, S. H. Tewksbury, J. Porter Tyler, David Moulton, their associates, successors and assigns, are hereby
Corporate name.	constituted a corporation, by the name of the Ocean Street
Authority and location.	Railroad Company, with authority to construct, maintain and use a horse railroad to be operated as horse railroads are
Assent of municipal officers, required.	operated in other places, with convenient single or double tracks, from the Portland Railroad Company's track, at Woodford's Corner, Deering, Cumberland county, upon and over Ocean street therein, to a point about five hundred feet easterly from Read street. Said corporation shall first obtain the assent of the municipal officers of said town thereto, and said officers shall, at the same time, determine within what limits of said street such tracks may be located and constructed, which assent and determination shall be made in writing delivered to said corporation, and a copy thereof filed in the office of the clerk of said town, together with a description of the location of said tracks, in accordance therewith, and the written assent of said corporation thereto, and thereupon the location shall be deemed made and perfected ;
Corporation may fix rates.	said corporation shall have power, from time to time, to fix rates of compensation for transporting persons and property, and generally shall have all the powers, and be subject to all the liability of corporations as set forth in the forty-sixth chapter of the revised statutes, and amendments thereto, so far as the same is applicable. The original location of the route when made and perfected, and any legal extension
Term and renewals.	

thereof, shall be for the term of thirty years. The same may be renewed from time to time, for a term not exceeding thirty years at any one time, by the consent of said municipal officers, after reasonable notice to all parties interested, and upon reasonable terms, but no such renewal shall be granted prior to two years before the expiration of the location then last made and perfected, such consent and the terms thereof, shall be in writing, delivered to said corporation, a copy filed in the office of the clerk of said town of Deering, with the written assent of said corporation, and thereupon said renewal shall be deemed to have been made and perfected. If, at the expiration of any of said terms, the use of the streets, roads, or highways occupied by said railroad, is granted by the municipal officers of said Deering, to any other corporation or person, it shall be upon condition that such corporation or person, shall first purchase of, and pay for, to said Ocean Street Railroad Company, all its property of every description in use, or owned for the purposes of said railroad, at such price as may be agreed by the parties, or, if unable to agree, at a price to be determined by three disinterested persons appointed by the supreme judicial court, or any judge thereof, on application by either party, and notice and hearing thereon, said persons to act on oath, after giving reasonable notice of the time and place of meeting, and a hearing thereon, and to return their award and appraisal into said court, and the compensation of such persons shall be fixed by the court, and paid one-half by each party. If the municipal officers of said Deering, at the expiration of said location, or any renewal thereof, determine that the use of any street occupied by said company's railroad, shall be granted for such use, on any conditions, said company shall have the preference, and the use shall be granted or renewed to it, provided it will perform said conditions. No other person or corporation shall be permitted to construct or maintain any railroad for similar purposes, over the same streets as may be lawfully occupied by this corporation in any other manner than as herein provided, but any person or corporation lawfully operating any horse railroad, to any point to which this corporation's tracks extend, may enter upon, connect with, and use the same on such terms, and in such manner as may be agreed upon between the parties, or if they shall not agree, to be determined in the same manner

Other parties shall not be permitted to maintain railroad over same streets.

CHAP. 249 as that herein provided for determination of price for said corporation property, in case of a sale.

Power, speed,  
repairs of streets  
and damage.

SECT. 2. Said railroad shall be operated by animal power only. The municipal officers of said town shall have power to regulate the rate of speed, the removal of snow and ice from, and the use of the track within, the streets occupied by said railroad. 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 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.

Punishment for  
wilful obstruction.

SECT. 3. Any person who shall wilfully obstruct said corporation in the use of its road or tracks, or the passing of its cars thereon, or the discharge of the duties of any of its agents or servants, and any person who shall aid and abet therein, shall be punished by fine not exceeding two hundred dollars, or instead thereof, imprisonment not exceeding sixty days in the county jail.

Powers of town  
authorities not  
abridged.

SECT. 4. Nothing in this act shall be construed to prevent the authorities of said 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 now lawfully take up the same.

Corporation may  
hold estates.

SECT. 5. Said corporation shall have power to lease, and to purchase and hold such real estate and personal property as may be necessary and convenient for the purposes of said railroad, not exceeding at any one time the amount of said company's capital stock at such time.

Construction and  
grade.

SECT. 6. The form and manner of construction and the grade of said railroad, and of any street occupied thereby, and all changes therein, shall be subject to the control of said municipal officers, and said officers shall hear and determine, in writing, any dispute concerning the crossing by said company's tracks of any other steam or horse railroad track, and such crossing shall be constructed accordingly.

Capital stock.

SECT. 7. The capital stock of said corporation shall not exceed, in the first instance, the sum of eight thousand dollars, but may be increased, by a vote of the stockholders holding two-thirds of such capital stock represented at any

legal meeting called therefor, by a sum not exceeding eight thousand dollars for each mile or fractional part thereof of track, in addition to the limits of said track hereinbefore specified, but such increase of stock shall not be made until such additional track shall have been located under the provisions of this act. Said capital stock shall be divided into shares of fifty dollars each.

SECT. 8. Said corporation is hereby authorized to borrow money for the purposes of constructing and equipping its railroad, and to issue its bonds therefor, but the said bonds shall not exceed in amount two-thirds of the amount of capital stock fixed at the time of issuing such bonds. Said bonds shall be issued in denominations of not less than fifty dollars each, payable in not more than thirty years from their dates, with interest at the rate of six per cent., payable semi-annually. Said bonds shall be approved by the president and two or more directors, who shall certify that such bond was properly issued and recorded on the books of the company.

May borrow money and issue bonds.

SECT. 9. Said bonds shall be secured by a conveyance of the corporate property and franchise to two trustees, by a suitable instrument of mortgage, to secure the payment.

Bonds, how secured.

SECT. 10. The location of said railroad may be extended along said Ocean street, to and upon such other streets in said Deering, as shall not at the time of such extension, be legally occupied by other persons or corporations, for a similar purpose, upon a vote of two-thirds of the stockholders of said corporation, present and voting, at any legal meeting called for that purpose, such extended location to be made upon the same conditions, and in the same manner, as is herein provided for in case of the original location.

Location of road.

SECT. 11. The first meeting of said corporation may be called by any two of said corporators giving actual notice in writing to their several associates, and said corporation may pass such by-laws as are proper and not contrary to the laws of this state.

First meeting, how called.

SECT. 12. Said road shall not be taken, or deemed to be, a railroad within the meaning of that term, as used in the public laws of this state, but shall have all the rights and be subject to the liabilities of horse railroads within this state.

Not deemed a railroad in law.

SECT. 13. This act shall take effect when approved.