

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SIXTIETH LEGISLATURE

OF THE
STATE OF MAINE.

1881.

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1881.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1881.

and payable at such times and places as may be determined by vote of the qualified voters of said town, at a meeting thereof, called according to law for that purpose; *provided, however,* that nothing herein contained shall authorize any increase in the indebtedness of said town.

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Proviso.

SECT. 2. Said town is hereby authorized, at the annual meetings thereof, to choose three officers to be known as commissioners of the sinking fund; and to create a sinking fund for the purpose of the payment of any bonds that may be issued under the provisions of this act. Such sums as may be raised or appropriated for that purpose, shall be paid over to said commissioners who shall safely invest and re-invest the same, as occasion may require, in the name of the town. Said commissioners shall give bonds, with sureties, satisfactory to the selectmen, in such sums as the town shall, from time to time, direct.

Authorized to choose commissioners and create a sinking fund.

SECT. 3. This act shall take effect when approved.

Approved March 12, 1881.

Chapter 132.

An act to incorporate the West End Railroad Company, with authority to construct, maintain and use a Horse-Railroad.

WHEREAS the objects of this corporation cannot be otherwise attained, therefore,

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

SECT. 1. Edward P. Chase, Frederick W. Clark, Francis Tibbets, George Libby, George B. Buzelle, Solomon Stuart, Lorenzo T. Chase, Edward Harlow, Ashbel Chaplin, Alvin Deering, John W. Deering, Rufus Tibbets, George W. Burnham, Royal R. Burnham, Josiah Chase, Theodore E. Harmon, Frederick A. Clark and Lindley M. Webb, their associates, successors and assigns, are hereby constituted a corporation by the name of the West End Railroad Company, with authority to construct, maintain and use a horse-railroad to be operated as horse-railroads are operated in other places, with convenient single or double tracks from the westerly terminus of the Portland Railroad Company's track, on Congress street in Portland, Cumberland County, westerly upon and

Corporators.

Corporate name, authority, purposes, location of railroad, etc.

CHAP. 132

over Congress street to the line of the town of Deering, and also from said Congress street southerly upon and over St. John street, in said Portland, to a point near the transfer station on the Boston and Maine Railroad. Said corporation shall first obtain the assent of the municipal officers of said city thereto, and said officers shall at the same time determine within what limits of said streets 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 city, 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. 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, as far as the same are applicable. The original location of the route when made and perfected, and any legal extension 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 city of Portland, with the written consent 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 city of Portland to any other corporation or person, it shall be upon condition that said corporation or person shall first purchase of, and pay for, to said West End Railroad Company, all of its property of every description in use or owned for the purposes of said railroad, at such price as may be agreed upon 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 Portland, 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 corporation or person 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 as that herein provided for determination of price for said corporation property in case of sale.

SECT. 2. Said railroad shall be operated by animal power only. The municipal officers of said city 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 as shall be occupied by the tracks of its railroad, and shall make all other repairs of said streets 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.

SECT. 3. Any person who shall willfully 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.

Power.

Municipal officers to regulate rate of speed, etc.

Repairs of streets and damages.

Penalty for obstructing road or tracks.

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City authorities
not prevented
from entering
upon and taking
up streets.

Authorized to
purchase and
hold estates.

Construction,
grade, etc., sub-
ject to control of
municipal officers

Capital stock.

Authorized to
borrow money
and issue bonds.

---limit.

Bonds, how
secured.

SECT. 4. Nothing in this act shall be construed to prevent the authorities of said city from entering upon or taking up any of the streets, occupied by said railroad, for any purpose for which they may now lawfully take up the same.

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.

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.

SECT. 7. The capital stock of said corporation shall not exceed in the first instance the sum of five 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 five 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 one-half 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 centum, 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.

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 of the same.

SECT. 10. 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 the state.

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First meeting,
how called.

SECT. 11. 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 all the liabilities of horse-railroads within this state.

Not taken and
deemed to be a
railroad.

SECT. 12. This act shall take effect when approved.

Approved March 12, 1881.

Chapter 133.

An act to incorporate the Mercantile Home for Aged Men Association.

WHEREAS the purposes of this corporation cannot be otherwise obtained, therefore,

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

SECT. 1. William G. Davis, T. C. Hersey, Eben Corey, Ira P. Farrington, Samuel E. Spring, H. J. Libby, William W. Thomas, Edwin A. Norton, James P. Baxter, John C. Proctor, and all persons who may hereafter become associated with them are hereby created a corporation by the name of the Mercantile Home for Aged Men Association, for the purpose of providing a home for certain aged and infirm men, and by that name shall have the power to sue and be sued, and possess all the rights and privileges under the laws of this state relating to corporations.

Corporators.

Corporate name.

SECT. 2. Said corporation shall elect such officers as it deems necessary and may take, hold, and convey real and personal property not exceeding one hundred thousand dollars, appoint a board of management for any home provided for the purposes of charity or of this act, make regulations for the admission of persons to such home, and their discharge therefrom, adopt a constitution and by-laws not inconsistent with the laws of this state and regulate the holding of stock in said corporation and the rights of the

Authorized to
elect officers,
take, hold and
convey estates,
appoint board of
managers, etc.