

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1887.

Chapter 47.

An Act to incorporate the Waterville and Fairfield Railroad Company.

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

SECT. 1. Stephen A. Nye, Amos F. Gerald, Arthur H. Totman, Edward J. Lawrence, Stephen I. Abbott, Edmund F. Webb, Perham S. Heald, their associates, successors and assigns, are hereby constituted a corporation by the name of the Waterville and Fairfield Railroad Company, with authority to construct, maintain and use a horse railroad to be operated by horse power, with convenient single or double tracks, from such point in the town of Waterville, upon and over such streets therein, as shall from time to time, be fixed and determined by the municipal officers of said town of Waterville, and assented to in writing by said corporation, to the boundary line between said town and the town of Fairfield, and thence upon and over such streets, town and county roads in said town of Fairfield, as from time to time may be fixed and determined by the municipal officers of said town of Fairfield, and assented to in writing by said corporation, to some point at or near the post-office in said Fairfield, and thence to such other point or points in said town of Fairfield 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 said corporation ; 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 ; provided, however, that all tracks of said railroad shall be laid at such distances from the side-walks of said towns of Waterville and Fairfield 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 said corporation to any vote or votes of the municipal officers of either of said towns, prescribing from time to time the routes of said railroad, shall be filed with the respective clerks of said towns and shall be taken and deemed to be the locations 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 powers and be subject to all the liabilities

Corporators.

Corporate name.

Authorized to construct a horse railroad.

Location, how determined.

Authorized to construct road over lands when such damages have been mutually settled.

Shall lay tracks at certain distance from sidewalks.

Description of route to be filed with clerks of towns.

May fix rates for carrying passengers.

CHAP. 47

of corporations, as set forth in the forty-sixth chapter of the revised statutes.

Shall be operated by horse power only.

Municipal officers have power to regulate rate of speed, etc.

SECT. 2. Said railroad shall be operated and used by said corporation with horse power only. The municipal officers of said towns of Waterville and Fairfield, respectively, shall have power at all times, to make all such regulations as to the rate 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 may require.

Liable to keep in repair, streets over which it passes.

SECT. 3. 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, in the opinion of the municipal officers of said towns, respectively, may be rendered necessary by the occupation of the same by said railroad, and if not repaired upon reasonable notice, such repairs may be made by said city or town, respectively, at the expense of said corporation.

Penalty for obstructing railroad.

SECT. 4. If any person shall wilfully and maliciously obstruct said corporation in the use of its roads 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 stock.

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

Authorized to purchase, etc., real and personal estate.

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

Municipal officers shall prescribe manner of construction, etc.

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 towns, 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, said alterations may be made at the sole expense of said corporation,

Alteration of ways shall be at sole expense of corporation.

CHAP. 47

provided, the same shall be assented to, by the municipal officers of said towns, respectively. If the tracks of said company's railroad cross any other railroad of any kind, in either of said towns, and a dispute arises in any way in regard to the manner of crossing, the board of railroad commissioners of the state shall upon hearing, decide and determine in writing, in what manner the crossing shall be made, and it shall be constructed accordingly.

R. R. commissioners shall determine manner of crossing other railroads.

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

Authority of towns over streets, not restricted.

SECT. 9. 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. Said bonds may be issued in sums not less than one hundred dollars each, payable not more than twenty years from that date, with interest at the rate of six per cent payable semi-annually. All bonds which shall be issued by said corporation shall be binding and collectible in law, notwithstanding such bonds may be negotiated and sold by said corporation or its agents at less than their par value. Said bonds shall be secured by a conveyance of the corporate property and franchise to three trustees, by a suitable instrument of mortgage to secure the payment of the bonds.

Authorized to issue bonds and mortgage property.

SECT. 10. 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, 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 by the railroad commissioners of the state of Maine.

Exclusive right to maintain road, guaranteed.

SECT. 11. 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.

Location of route shall be for 25 years.

SECT. 12. The first meeting of said corporation may be called by any two of said corporators giving actual notice in

First meeting, how called.

CHAP. 48

writing to their several associates, and said corporation may make such by-laws as are proper, and not contrary to the laws of the state.

Not deemed a R. R. in the meaning of law.

SECT. 13. 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.

SECT. 14. This act shall take effect when approved.

Approved February 4, 1887.

Chapter 48.

An Act to incorporate Winterport Ferry Company.

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

Corporators.

SECT. 1. David H. Smith, Albert E. Fernald, Fred Atwood, Freeman Littlefield, Charles R. Hill, James G. Curtis, with their associates, are hereby created a body politic and corporate, by the name of the Winterport Ferry Company, with all the powers and privileges, and subject to all the duties and liabilities of similar corporations by the laws of this state.

Corporate name.

May establish ferry.

SECT. 2. Said corporation is hereby authorized to set up, establish and maintain a ferry across the Penobscot river from Winterport village to Bucksport Center, so called, with a boat or boats to be propelled by steam, wind or horse power or oars, as may be deemed most advisable from time to time.

Tolls established.

SECT. 3. A toll is hereby granted and established for the use of said corporation, according to the following rates, namely : for each foot passenger, fifteen cents ; one vehicle of any kind drawn by one horse, and two persons, fifty cents ; the same drawn by two horses, and two persons, seventy-five cents ; and for each additional horse with any of the carriages aforesaid, twenty-five cents ; each additional person, fifteen cents ; for each yoke of oxen with or without cart or sled, and driver, thirty cents each ; all other neat cattle and beasts of burden, thirty cents each ; sheep, swine and smaller animals, six cents each.