

# 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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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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1887.

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PRIVATE AND SPECIAL LAWS  
OF THE  
STATE OF MAINE.

1887.

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## CHAP. 80

## Chapter 80.

An Act to amend chapter four hundred and seventy-eight of the Private and Special Laws of eighteen hundred and eighty-five, entitled "An Act to incorporate the Lime Rock Transit Company."

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

Sec. 1, ch. 478,  
Private Laws of  
1885, amended.

SECT. 1. Section one of chapter four hundred and seventy-eight of the private and special laws of eighteen hundred and eighty-five, is hereby amended by striking out all of said section after the word "provided," in the ninth line, and inserting the following: 'Said company is hereby authorized to construct, maintain and use, in such places and directions as shall be most convenient, as they may elect and determine, one or more lines of elevated wire rope tramway, for the purpose of transporting lime rock from the various lime rock quarries in the city of Rockland and the town of Thomaston, in the county of Knox, to the kilns in said Rockland and Thomaston, and to fix and establish the rates of freight therefor,' so that said section, when amended, shall read as follows :

Corporators.

'SECT. 1. William T. Hiscock, William A. Miles, W. H. McCormack, Francis Cobb, N. A. Farwell, Maynard Sumner, John T. Berry, A. F. Crockett, S. M. Bird, John S. Case, George Gregory, Jarvis C. Perry, their associates, successors and assigns, are hereby created a body corporate, by the

Corporate name.

name of the Lime Rock Transit Company, with all the rights and privileges granted by the laws of this state to corporations, and subject to limitations and obligations therein provided.

May construct  
elevated tram-  
way.

Said company is hereby authorized to construct, maintain and use, in such places and directions as shall be most convenient, as they may elect and determine, one or more lines of elevated wire rope tramway, for the purpose of

Route.

transporting lime rock from the various lime rock quarries, in the city of Rockland and the town of Thomaston, in the county of Knox, to the kilns in said Rockland and Thomaston, and to fix and establish the rates of freight therefor.'

Sec. 2, amended.

SECT. 2. Section two of said chapter is hereby amended by inserting after the word "highways" in the ninth line, the words 'or elsewhere,' so that said section, when amended, shall read as follows :

May construct  
lines of horse  
railroad.

'SECT. 2. Said company shall have the right to construct and operate lines of horse railroads, about the quarries, and

under the supervision of the municipal officers, to construct and operate its lines of wire tramway, across and along any public street or highway, but in such a manner as not to incommode or endanger the customary public use thereof, and for that purpose to set posts, to support said lines, and remove obstructions, when standing within the limits of the street or highway, or elsewhere, when necessary for the erection, use and safety of its lines.

SECT. 3. Section three of said chapter is hereby amended so as to read as follows : Sec. 3, amended.

SECT. 3. Said company is hereby declared to be a common carrier for the purpose aforesaid, invested with all of the rights and subject to all of the duties and obligations thereof. Nothing herein contained shall be construed as authorizing said company to take private property without just compensation, and if any person sustaining damage by the taking of any property by said corporation, and said corporation shall not mutually agree upon the sum to be paid therefor, said corporation may file in the registry of deeds of the county of Knox, a description of the land or other property, on account of which damages are claimed, or which they find it necessary to take, for the purposes mentioned in their charter, with a statement of the circumstances under which damages are claimed, or the purposes for which it is to be taken. Said corporation shall thereupon proceed, by complaint to the supreme judicial court for Knox county, making the parties claiming damages, or owning such lands or property, respondents, serving them with a copy of such complaint at least fourteen days before the sitting of the court, at which such complaint is entered. The complaint shall contain a brief statement of the facts upon which it is founded, with a statement of the amount offered the respondent by the corporation, before the commencement of proceedings. Notice may be ordered by the court on respondents residing out of the state. Joint tenants and tenants in common, shall be joined in the complaint. Three disinterested commissioners shall be appointed by the court, who shall be sworn, and upon at least fourteen days' notice, hear the parties and determine what, if any, damages have been and will be sustained by the parties so claiming damages, or may be sustained by the owners of the land or property so to be taken, and report to said court

Declared a common carrier.

—shall not take private property without just compensation.

—damages, how ascertained.

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their determination. At the term when their report is received, and not later, either party may claim a trial by jury. On such trial, the report of such commissioners shall be prima facie evidence of the facts therein contained. If the amount of the damages assessed is less than the amount offered, as appears by said complaint, by said corporation, before the commencement of proceedings, said corporation shall recover full costs against the respondents. Otherwise costs are to be recovered against said corporation. An offer of a sum to be paid or as damages, may be filed at any time by the corporation, with the same effect as to costs as the original offer contained in the complaint. No suit at law or in equity on account of any of the matters contained in such complaint, shall be maintained against said corporation during the pendency of such proceedings. If said corporation shall fail to pay, or satisfy the final judgment, it may be restrained from further exercising its franchises, as against the respondent, until such judgment is satisfied.'

Further amended.

SECT. 4. Said chapter is further amended by adding thereto the following section :

May issue bonds and mortgage.

'SECT. 7. Said corporation may issue bonds for the construction, extension and improvement of its works, upon such rates and time as it may deem expedient, not exceeding the sum of two hundred and fifty thousand dollars, and secure the same by a mortgage of its franchises and property.'

SECT. 5. This act shall take effect when approved.

Approved February 11, 1887.

## Chapter 81.

An Act for the protection of fish in the tributaries of Mount Blue Pond.

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

Fishing in Mount Blue pond in Avon, prohibited for ten years.

SECT. 1. All persons are prohibited hereby to take fish of any kind from the tributaries of Mount Blue Pond in Avon, in Franklin County, for the term of ten years.

Penalty for violation.

SECT. 2. Any person violating the provisions of section one of this act, shall be liable to a fine of five dollars for each fish so taken, to be recovered on complaint before any trial