

# 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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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1887.

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recoverable in any such action shall be determined in accordance with the principles and provisions of law applicable thereto, as modified by the provisions of this act,' so that said section as amended, shall read as follows :

SECT. 2. Any person having a vested right in the whole or any part of a pew or pews in said building, who shall deem himself to have suffered any loss or damage by reason of any repairs, rebuilding or other alteration made in said building under the authority given by this act, may bring appropriate action for the recovery of such loss or damage, and the amount recoverable in any such action shall be determined in accordance with the principles and provisions of law applicable thereto, as modified by the provisions of this act.'

Claim for loss or damage, how adjusted.

SECT. 2. Section three of said chapter forty-five is hereby repealed.

Section 3, repealed.

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

Approved March 3, 1887.

### Chapter 193.

An Act to incorporate the Fryeburg Horse Railroad Company.

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

SECT. 1. David R. Hastings, Asa O. Pike, William G. Spring, William Gordon, Eben Weeks and Franklin Shirley, all of Fryeburg, Freeman Hatch of Cornish, Eben T. Nutter of Cape Elizabeth, and Theodore H. Johnson of Portland, their associates and successors are hereby constituted a corporation by the name of the Fryeburg Horse Railroad Company, with the authority to construct, maintain and use a railroad, to be operated by horse power, with convenient single or double tracks, from the station of the Portland and Ogdensburg Railway, in the town of Fryeburg, upon and over such streets or roads in said town of Fryeburg, as shall from time to time be fixed and determined by the municipal officers of said town of Fryeburg, and assented to in writing by the directors of said corporation, to the grounds of the Martha's Grove Camp-meeting Association, and such other point or points in said town of Fryeburg, as may in like manner, from time to time be fixed and determined by the

Corporators.

Corporate name.

Authorized to construct a horse railroad.

Route.

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said municipal authorities of said town of Fryeburg, and assented to in writing, as aforesaid, by the directors of 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 of the land; provided, however, that all tracks of said railroad which shall be laid through any of the streets or roads of said town of Fryeburg, shall be located upon such streets or roads and such portions thereof, as the municipal officers of said town shall fix and determine to be for the public safety and convenience. The written assent of the directors of said corporation to the votes of the municipal officers of said town of Fryeburg, prescribing from time to time the routes of said railroad, shall be filed with the clerk of said town of Fryeburg 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 powers and be subject to all the liabilities of corporations, as set forth in the forty-sixth chapter of the revised statutes. The original location of the route when granted shall be for the term of twenty years, and the same may be renewed from time to time, for a term not exceeding twenty years at any one time, by said municipal officers, upon such terms as they may deem expedient. No location shall be granted or renewed, except upon reasonable prior notice to all parties interested.

Location shall be determined by municipal officers.

Company shall have power to fix rates of fare.

—location shall be for twenty years.

Shall be operated with horse power.

Municipal officers shall have power to regulate speed, etc.

Company shall keep streets occupied by it, in repair.

SECT. 2. Said railroad shall be operated and used by said corporation with horse power only. The municipal officers of said town of Fryeburg shall have power at all times, to make such regulations as to the rate of speed, and removal of snow and ice from the streets, roads and highways by said corporation, at its own expense, and the mode of the use of the track of said railroad upon the streets and roads of said town as the public convenience and safety require.

SECT. 3. Said corporation shall keep and maintain and repair such portion of the streets and roads as shall be occupied by the tracks of its railroad as, in the opinion of the municipal officers of said town, may be rendered necessary by occupation of the same by said railroad, and if not repaired upon reasonable notice, such repairs may be made

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by said town 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, negligence or misconduct of its agents or servants.

Liability for damage, caused by carelessness.

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 twenty dollars, or may be imprisoned in the county jail for a period not exceeding thirty days.

Penalty for obstructing corporation.

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

Capital stock.

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.

May hold real estate.

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 town of Fryeburg 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 or 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 town.

Manner of constructing, rail and grade, shall be prescribed by municipal officers.

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

Authority of town over streets, shall not be restricted.

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

When act shall be void.

SECT. 10. This act shall take effect when approved.

Approved March 3, 1887.