

# 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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Water Company, the said Eden Water Company shall, within sixty days after receiving said written communication, furnish the owners of the stock of the Bar Harbor Water Company, with said stock of the Eden Water Company, at the same price at which it is paid for by all other subscribers, which shall be par; said stock of the Eden Water Company to be furnished to the stockholders of the Bar Harbor Water Company, in the proportion in which the stock of the Bar Harbor Water Company is held by said stockholders. Reserving to the stockholders of the said Bar Harbor Water Company the right, after they shall have subscribed for said stock of said Eden Water Company, to allow said stock so subscribed for, to remain in the treasury of the Eden Water Company unpaid for, until twenty days after said Eden Water Company shall have made full and complete payment for the property and franchise of the said Bar Harbor Water Company as herein provided. Provided, that if the stockholders of said Bar Harbor Water Company shall fail to take and pay for said stock of said Eden Water Company within said twenty days, their right to said stock shall thereupon cease. The value of the franchise of said Bar Harbor Water Company shall be estimated as unaffected by the existence of the charter granted by this act.

SECT. 12. In case the Eden Water Company fails to do and perform any of the acts required of them under the provisions of section eleven, this charter shall thereupon become null and void.

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

Approved March 11, 1887.

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### Chapter 245.

An Act to incorporate the Brunswick Horse Railroad Company.

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

SECT. 1. Alonzo Day, Aaron V. Metcalf, Albert Potter, Andrew T. Campbell, Junior, and Samuel Knight, Junior, their associates and successors, are hereby constituted a corporation by the name of the Brunswick Horse Railroad Company, with authority to construct, maintain and use a railroad, to be operated by horse power, with convenient

If company fails to perform acts required, this charter to be void.

Corporators.

Corporate name.

Authorized to construct a horse railroad.

## CHAP. 245

—location and route shall be determined by municipal officers.

—assent of corporation shall be filed with town clerk.

Powers of corporation.

—rails shall not be laid without assent of municipal officers.

Location of route shall be for fifty years.

—may be renewed.

—shall not be renewed without notice.

—if use of streets is granted another corporation, it shall be on condition that it shall purchase property of company.

—terms of purchase.

—value of property, how ascertained, in case parties cannot agree.

single or double tracks, upon and over such streets in the town of Brunswick, in the county of Cumberland, as shall from time to time be fixed and determined by the municipal officers of said town and assented to in writing by said company; provided, however, that all tracks of said railroad shall be laid at such distances from the sidewalks of said town as the municipal officers, 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 said municipal officers, prescribing from time to time the routes of said railroad, shall be filed with the clerk of the town, and shall be taken and deemed to be the location thereof. Said corporation shall run cars over their entire line daily, and may, from time to time, 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. Rails shall not be laid down in said town without the assent of the municipal officers thereof. The original location of the route, when granted, shall be for the term of fifty years. The same may be renewed from time to time, for a term not exceeding twenty-five years at any one time, by said municipal officers, upon such terms as they may deem expedient. No such renewal shall be granted prior to two years before the expiration of the location then established. No location shall be granted or renewed except upon reasonable prior notice to all parties interested. If at the expiration of any of said terms, the use of the streets, roads or highways occupied by said company's railroad is granted by the municipal officers of said town, to any other corporation or person, it shall be upon condition that such corporation or person shall purchase of said company all its property, of every description, in necessary use for the purposes of said railroad, upon such terms as may be agreed upon by the parties or determined by persons selected by them, and if they are unable to agree, the value of the same shall be determined by three disinterested persons, appointed by a judge of the supreme judicial court, on application of either party, and hearing thereon. Said appraisers shall be sworn, give notice of the time and place of their meeting to examine and appraise said prop-

erty, and shall make to each party a written award, and their services shall be paid in equal proportions by the parties. If the municipal officers of said town determine, at the expiration of any of said terms, the use of the streets, roads or highways occupied by said company's railroad, shall be granted to any person or corporation for the purpose of a horse railroad, on the payment of any sum of money yearly, or in any other manner, said company shall have the preference, and such use shall be granted or renewed to said company, provided, it will pay as much therefor as any other corporation or person. Any similar corporation hereafter incorporated, which shall construct its road where the Brunswick Horse Railroad Company have no track, may enter upon and connect with and use the track of the Brunswick Horse Railroad Company, for such rates of compensation as may be agreed upon, or in case of disagreement of the directors of the two companies, three disinterested persons shall be appointed by a judge of the supreme court, on application of either party, and a hearing thereon shall be had before said commissioners. Said commissioners shall be sworn, give notice of the time and place of their meeting to determine the matters in dispute, and shall make to each party a written, final decision of the points submitted, and their services shall be paid in equal proportions by the parties.

—company shall have preference for renewal, if it will pay as much therefor as any other company.

—may connect with line of any other company.

SECT. 2. Said railroad shall be operated and used by said corporation with horse power only. The municipal officers of said town 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 track of said railroad within said town, as the public convenience and safety require.

Shall be operated by horse power.  
—officers of town shall have power to regulate speed, etc.

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 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 such town at the expense of said corporation, and said town may recover all expenses as aforesaid, in an action of money paid for the use of said railroad. In case the municipal officers of said town deem it advisable to pave or repave any street or road in which said railroad shall be

Shall keep in repair, streets and ways.

—shall lay paving when required.

CHAP. 245

Liability for  
damages.

located, said corporation shall at its own expense pave or repave, if deemed necessary, so much of said street or road as is occupied by the railroad, and if they fail to do so after reasonable notice from the municipal officers of said town, said town may pave or repave the same and recover the expense thereof, of said corporation in an action for money paid for the use of such corporation. 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, or by reason of any defect in so much of said streets or roads as is occupied by said railroad.

Penalty for  
obstructing cor-  
poration.

SECT. 4. If any person shall wilfully and maliciously obstruct said corporation in the use of its road 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 a county jail for a period not exceeding sixty days.

Capital stock.

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

May hold real  
estate.

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.

Municipal offi-  
cers shall pre-  
scribe rail and  
fix grade.

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 the said town 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 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. If the location of said company's railroad crosses any steam railroad, the manner and terms of crossing shall be determined by the railroad commissioners, before the construction of the horse railroad at such crossing.

Town shall have  
control of  
streets.

SECT. 8. Nothing in this act shall prevent the proper 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 lawfully take up the same.

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

Act void if ten per cent of capital is not paid in, within five years.

SECT. 10. Said corporation may 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 paid in by the stockholders. Said bonds may be issued in sums not less than one hundred dollars each, payable in not more than twenty years from their date, with interest payable semi-annually.

May issue bonds.

SECT. 11. Such bonds shall be approved by a majority of the directors of said corporation, who shall certify that each of said bonds is properly issued and recorded upon the books of the corporation. All bonds and notes which shall be issued by said corporation shall be binding and collectible in law, notwithstanding they may be negotiated and sold by such corporation or its agents, at less than their par value.

Conditions upon which bonds may be issued.

SECT. 12. Such bonds shall be secured by a conveyance of the corporate property to three trustees, by a suitable instrument of mortgage to secure the payment of said bonds.

May mortgage property.

SECT. 13. Nothing in this act shall deprive the legislature of its right to amend, alter or repeal said charter, or render said company independent of the general legislative power of the state.

Charter may be amended.

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

Approved March 11, 1887.

### Chapter 246.

An Act to establish a salary for the Judge of the Municipal Court of the city of Saco.

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

SECT. 1. From and after the first day of April, eighteen hundred and eighty-seven, the judge of the municipal court of the city of Saco, shall receive an annual salary of one thousand dollars, payable quarterly, out of the county treasury, on the first days of July, October, January and April,

Salary of judge of municipal court, established.