

# 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,  
February 18, 1840, and March 16, 1842.

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AUGUSTA:  
SPRAGUE & SON, PRINTERS TO THE STATE.  
1887.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1889.

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## CHAP. 528

## Chapter 528.

An Act to incorporate the Augusta, Hallowell and Gardiner Railroad Company.

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

Corporators.

—corporate name.

—authorized to construct a railroad.

—how operated.

—route.

—may construct road over lands, when land damages have been settled.

—distance from sidewalks, shall be regulated by municipal officers.

—consent of corporation to votes of cities and towns, shall be recorded.

—location may be changed on application to railroad commissioners.

—may fix rates for transportation of persons and property.

SECT. 1. Amos F. Gerald, Henry G. Staples, J. Manchester Haynes, Charles W. Tilden, John W. Berry and George E. Macomber, their associates, successors and assigns, are hereby constituted a corporation by the name of the Augusta, Hallowell and Gardiner Railroad Company, with authority to construct, maintain and use a railroad, to be operated by animal or electrical power, with convenient single or double tracks, and to erect poles and place wires for the same from such points in said cities of Augusta and Hallowell, and through the town of Farmingdale, and upon and over such streets and roads therein, as may from time to time be fixed and determined by the municipal officers of said cities and town, and assented to in writing by said corporation, to the north line of the city of Gardiner, and thence upon and over Maine street, otherwise called Causeway street, in said Gardiner, to such point in Depot square as the municipal officers may designate. Said corporation shall have authority to construct, maintain and operate said railroad over and upon any lands where the land damages have been mutually settled between said corporation and the owners thereof; provided, however, that all tracks of said railroad shall be laid at such distance from the sidewalks of said town of Farmingdale and said cities of Augusta, Hallowell and Gardiner, as the respective municipal officers thereof shall, in their order fixing the route of said railroad, determine to be for public safety and convenience. The written consent of said corporation to any vote or votes of said cities and town, prescribing, from time to time, the routes of said railroad, shall be recorded with the respective clerks of said cities and town, and shall be deemed to be the location thereof, and such location may be changed from time to time whenever the railroad commissioners shall, on petition of the municipal officers of either of said cities or said town, after due notice and hearing, adjudge such change necessary for the public convenience, and order the same to be done. Said corporation shall have the power, from time to time, to fix such rates of compensation for transportation of persons and property as it may

deem 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. Said corporation shall at all times maintain a suitable conveyance for passengers at reasonable hours, and when not expedient to operate said road by electricity, its cars shall be propelled by animal power.

SECT. 2. Said railroad shall be operated and used by said corporation with animal or electrical power. The municipal officers of said town of Farmingdale, and the municipal officers of said cities of Augusta, Hallowell and Gardiner, 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 cities or towns, as the public convenience and safety may require.

How road shall be operated.

—municipal officers may regulate rate of speed, removal of snow and ice.

SECT. 3. Said corporation shall maintain and keep in repair such portions of the streets or 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 the cars of said corporation are drawn by animals, excepting when the rails are covered by snow or ice, said corporation shall lay such pavings as may be required by the city councils of said cities, or municipal officers of said town. 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 of any obstruction by them placed in the streets or roads of said cities or town, and shall save and hold said cities and town harmless from any suits for such loss or damage. Said corporation shall not cut, injure or destroy any shade or ornamental trees in said streets or roads.

Shall keep streets occupied by it in repair.

—liability for loss or damage.

SECT. 4. If any person shall wilfully or maliciously, obstruct said corporation in the use of its roads, tracks or property, 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 term not exceeding sixty days.

Penalty for obstructing corporation.

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Capital stock.

SECT. 5. The capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each.

May hold real estate.

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

Construction, shall be as corporation deems proper.

SECT. 7. Said railroad shall be constructed and maintained in such form and manner, and with such rails and other appliances as may be deemed necessary by the corporation, and upon such grades, as the municipal officers of said town and cities, 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, city, or county road, 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 cities and town respectively. If the tracks of said company's railroad, cross any other railroad, of any kind, in either of said cities or town, 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 both parties, decide and determine in writing, in what manner the crossing shall be made, and it shall be constructed accordingly.

—grade, shall be prescribed by municipal officers.

—crossings, shall be determined by railroad commissioners.

Authorities of cities and town, shall retain control of streets.

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

May issue bonds, and mortgage property.

SECT. 9. Said corporation is hereby authorized to issue bonds for the purpose of building its railroad, or for any 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 company, 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, by a suitable instrument of mortgage, to secure the payment of the bonds.

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 similar railroad, 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 upon by the railroad commissioners of the state of Maine.

Exclusive right, granted.

SECT. 11. 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 make such by-laws as are proper and not contrary to the laws of the state.

First meeting, how called

SECT. 12. The main line of said railroad, from said Augusta to its terminus in said Gardiner, shall be constructed and completed within two years from the approval of this act, otherwise this charter shall be void, so far as relates to the town of Farmingdale and the city of Gardiner, unless said corporation shall construct, complete and have in actual operation at least one mile of railroad, operated by animal power or by electricity, on or before December first, in the year of our Lord one thousand eight hundred and ninety, then this act shall be null and void.

When act shall become void.

SECT. 13. Said railroad shall not be deemed to be a railroad within the meaning of that term as used in the Revised Statutes and public laws of the state, but shall have all the rights and be subject to all the liabilities and restrictions of kindred railroads within the state.

Shall not be deemed a railroad.

SECT. 14. The said corporation shall not assign its charter, directly or indirectly, or any rights under it; lease or grant the use or control of its road, or any part of it, or divest itself thereof, without the consent of the legislature.

Shall not assign charter, etc., without consent of legislature.

SECT. 15. The said railroad shall be constructed and maintained in such form and manner, and with such rails and appliances, that so much of the streets and roads as are occupied thereby shall be safe and convenient for travelers; and said corporation shall be liable in an action on the case for any loss or damage which any person may sustain by rea-

Safety and convenience of travelers, shall be maintained.

—liability for loss or damage.



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son of any failure to comply with this provision. If any street or road occupied by the tracks of said railroad is paved or macadamized, said corporation shall maintain and keep in repair such paving or macadamizing between its rails and for a space one foot wide outside thereof.

Shall make use of existing poles, so far as practicable.

SECT. 16. Wherever it is practicable to use the existing poles of any electric light, telephone or telegraph company, or any tree or structure of any kind, for any of the wires of said corporation, and the owner thereof consents to the free use of the same or at a price satisfactory to said corporation, the said corporation shall make use of the same; and the decision as to the practicability of such use shall be left to three persons skilled in the science of electricity, one to be chosen by the said corporation, one by the municipal officers, and the third by the two so chosen; the decision of a majority of said board shall be final, and the expense of said tribunal shall be borne by said corporation. In the erection and maintenance of its poles, posts and wires, the said corporation shall be subject to the general laws of the state, regulating the erection of posts and lines for purposes of electricity.

--question of practicability, how decided.

Approved March 8, 1880.

### Chapter 529.

An Act to incorporate South Portland Land Improvement Company.

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

Corporators.

SECT. 1. Lorenzo D. M. Sweat, Philip Henry Brown, William G. Davis, Horatio N. Jose, Charles W. Goddard and F. H. Harford, their associates and successors, are hereby constituted a body corporate by the name of South Portland Land Improvement Company, with power to buy, sell and improve real estate, to construct wharves and elevators in Cape Elizabeth, and also with power to construct a bridge for public travel, commencing at some convenient point of land on or near the Mussey farm, so called, in South Portland, and extending therefrom across the tide water of Mill creek, so called, to the southerly portion of the land of the Portland Dry Dock Company, or to land near the southerly end of Portland bridge, as may be deemed best by the

--corporate name.

--authorized to build bridge.

--location.