

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1893.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1893.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1893.

SECT. 4. Section thirty-five of said act is hereby amended in the fourth line thereof, by striking out the word "next," also by striking out the word "five" where it occurs the second time in the ninth line thereof, and inserting the word 'four.'

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Sec. 35,
amended.

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

Approved March 9, 1893.

Chapter 476.

An Act additional to Chapter one hundred ninety-seven of the Private and Special Laws of eighteen hundred eighty-seven, relating to the Limerick Loan and Trust Company.

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

All the provisions of chapter one hundred ninety-seven of the private and special laws of eighteen hundred eighty-seven, relating to the incorporation of the Limerick Loan and Trust Company are hereby extended for and during the term of two years from the date of the approval of this act.

Charter of
Limerick Loan
and Trust Co.,
extended.

Approved March 9, 1893.

Chapter 477.

An Act to incorporate the Portland and Yarmouth Electric Railway Company.

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

SECT. 1. Lorenzo L. Shaw, John H. Humphrey and Herbert A. Merrill of Yarmouth, Greely Sturdivant and Edmund R. Norton of Cumberland, Walker K. Sweet of Falmouth, William W. Merrill of Deering, Frederick N. Dow, Edward B. Winslow, Charles J. Chapman, Ansel R. Doten, Albion Little, Edwin L. Goding, Lewis A. Goudy, Franklin H. Morse, Henry S. Trickey, Henry S. Osgood, Thomas G. Harris, George W. Norton and Seth L. Larrabee of Portland, all in the county of Cumberland, their associates, successors and assigns, are hereby constituted a corporation by the name of the Portland and Yarmouth Electric Railway Company, with authority to construct, maintain and use a street railway, to

Corporators.

—corporate
name.

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—authorized to
construct a
street railway.

—route.

be operated by electricity or animal power, with convenient single tracks, side tracks, switches or turnouts, with any necessary or convenient lines of poles, wire, appliances and appurtenances, and conduits, from such point on Congress street in said Portland, between Elm and Washington streets inclusive, as said corporation may elect and may be approved by the municipal officers of said Portland, and upon and over such streets, except Congress street, in said Portland as may be fixed and determined by the municipal officers of said city and subject to such conditions and restrictions as they may impose, and assented to in writing by said corporation, to Tukey's bridge, thence on and over said Tukey's bridge, or on its location limits in navigable tide waters, in such place and manner and under such restrictions and limitations as the municipal officers of Portland may impose, to Main street in the city of Deering; thence upon and over such streets in that part of said city of Deering known as East Deering as shall from time to time be fixed and determined by the municipal officers of said city of Deering and assented to in writing by said corporation, to the boundary line between said city of Deering and the town of Falmouth with authority to go on and over Martin's Point bridge or on its location limits in navigable tide waters in such place and manner and under such limitations and restrictions as the county commissioners may impose; thence in a general northeasterly direction upon and over such town and county roads in the towns of Falmouth, Cumberland and Yarmouth, as may from time to time be fixed and determined by the municipal officers of the several towns aforesaid and assented to in writing by said corporation, to such point in the town of Yarmouth as said corporation may elect; provided, that said corporation shall not by this charter acquire any rights upon and over the streets of the city of Portland other than are necessary for the location, establishment, maintenance and operation of its road from its actual terminus in said city in a continuous and reasonably direct line to Tukey's bridge aforesaid. Said corporation shall also have the 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 sidewalks of said towns, as the

—may construct
road over lands
where damages
have been
settled.

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 said towns or said cities, prescribing from time to time the routes of said railroad, and the conditions and restrictions applicable to the maintenance and operation of the same, shall be filed with the respective clerks of said towns and cities, and shall be taken and deemed to be the location thereof. Said corporation shall have the power, from time to time, to fix such rates of compensation for transporting persons or property, as it may think expedient, subject however, in the city of Portland, to any restrictions imposed by the municipal authorities in their consent to the location of said road, 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.

—may fix rates of transportation.

SECT. 2. The municipal officers of said towns and cities shall have the power, at all times, to make all such regulations as to form of rail, paving between and outside of rails, grade of road bed, the rate of speed, and removal of snow and ice from the streets, roads and highways, by said company, as the public convenience and safety may require.

Municipal officers, shall regulate rail, paving, etc.

SECT. 3. All acts required by this act to be done by said corporation, may be delegated by said corporation to its board of directors.

Powers may be delegated to board of directors.

SECT. 4. Said corporation shall keep and maintain in repair such portions of the streets, town or county roads or bridges, as shall be occupied by the tracks of its road, and shall make all other changes and repairs of said streets or roads or bridges as may be rendered necessary by the occupation of the same by said railroad, and if not changed and repaired upon reasonable notice, such changes and repairs may be made by said towns within their respective limits, at the expense of said corporation. But the municipal officers of the city of Portland may make such terms in relation to the amount of the expenses of change, maintenance and repair or rebuilding of Tukey's bridge as shall seem fair and proper in their judgment, provided, however, that in no case shall said city of Portland bear, assume or share any expenditure which is caused or necessitated by the location, construction or operation of said road; and the county commis-

Company shall keep streets, occupied by tracks in repair.

—city of Portland, may make terms for expenses of maintaining Tukey's bridge.

—county commissioners, may make terms for maintenance of Martin's Point bridge.

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sioners may make such terms in relation to the amount of the expenses of the changes, maintenance and repairs of Martin's Point bridge as shall seem in their judgment fair and proper; provided, however, that in no case shall the county of Cumberland bear, assume or share any expenditure which is caused or necessitated by the location, construction or operation of said road.

Pena'ty, for willfully obstructing road.

SECT. 5. If any person shall willfully 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 persons, and all who shall aid or abet therein, shall be punished by a fine of not exceeding two hundred dollars, or may be imprisoned in the county jail for a period of not exceeding sixty days.

Capital stock.

SECT. 6. The capital stock of said corporation shall not exceed three hundred thousand dollars, to be divided into shares of one hundred dollars each.

May hold real and personal property.

SECT. 7. Said corporation shall have the power to lease, purchase or hold such real estate or personal property as may be necessary and convenient for the purposes and management of said railroad.

Municipal officers, shall prescribe rails, grades, etc.

SECT. 8. Said railroad shall be constructed and maintained in such form and manner, and with such rails and other appliances, and on such grades, as may from time to time be deemed necessary by the corporation and approved by the municipal officers of the respective towns and cities through which the line of the road may be located, subject however, in all respects to the requirements of the railroad commissioners; 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, provided, the same shall be assented to by the municipal officers of said towns or cities. If the tracks of said corporation's railroad cross any other railroad of any kind, in said towns or cities, and a dispute arise 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.

—railroad commissioners, shall regulate crossings.

Location, may be changed on written consent of municipal officers.

SECT. 9. Said corporation may change the location of said railroad at any time, by first obtaining the written consent of the municipal officers of said towns or cities, respec-

tively, and make additional locations subject to the foregoing provisions and conditions, but shall not be compelled to change a location once established as above, within twenty-five years. The original location of the route in the cities of Portland and Deering, when granted, shall be for the term of twenty-five years. The same may be renewed from time to time for a term not exceeding fifty 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 in the cities of Portland and Deering 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 cities to any other corporation or person, it shall be on 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 the terms that may be agreed upon by the parties or determined by persons selected by them, and if they are unable to agree, the same shall be determined by three disinterested persons appointed by a justice 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 meeting to examine and appraise said property, 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 cities determine that, 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 purposes of a horse or electric railroad, on the payment of any sum of money 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 person or corporation.

—original location, shall be for 25 years.

—may be renewed.

—if right is granted to another company, it shall purchase property of said company.

—if parties disagree, appraisers may be appointed.

SECT. 10. Nothing in this act shall be construed to prevent the proper authorities of said towns or cities, respectively, from entering upon temporarily and taking up the soil in any of the streets, town and county roads, occupied by

Municipal officers, shall always retain control of streets.

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said railroad, for any purpose for which they may now lawfully take up the same.

Exclusive right,
granted.

SECT. 11 No other corporation or person shall be permitted to construct or maintain any railroad for similar purposes, over the same streets, roads or ways that may be lawfully occupied by this corporation; but any person or corporation lawfully operating any horse or electric 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.

—other roads
may connect
with.

May issue
bonds, and
mortgage prop-
erty

SECT. 12. Said corporation is hereby authorized to issue bonds in such amount and on such time as it may from time to time determine, in aid of the purposes specified in this act, and to secure the same by a mortgage of its franchises and property.

First meeting,
how called.

SECT. 13. The first meeting of said corporation shall be called in the manner provided in the revised statutes, chapter forty-six, section three.

When act shall
be void.

SECT. 14. This act shall have no force or effect unless work shall be begun on the road within two years, and at least five miles of the same be actually completed within three years from the approval of this act.

SECT. 15. This act shall take effect when approved.

Approved March 9, 1893.

Chapter 478.

An Act to enable the City of Calais to maintain free bridges across the Saint Croix River.

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

City of Calais,
authorized to
construct bridge
over St. Croix
river.

The city of Calais is hereby authorized to lay out and construct a highway across the Saint Croix river, from some point at or near the end of the Ferry Point toll bridge in said Calais to the boundary line between the state of Maine and the Province of New Brunswick, and for that purpose to buy or build a bridge and maintain the same. Said city is also authorized to lay out highways and buy or build bridges at