

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE

1897

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1897

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1897.

CHAP. 509

railroad
when built.

—may
guarantee
bonds of
such rail-
road.

tion with said Bangor and Aroostook Railroad as it may here-
after be built from its present terminus in Caribou in said Aroos-
took county, the Bangor and Aroostook Railroad Company is
hereby authorized and empowered to lease such connecting line
of railroad of the company which may build such connecting line,
upon such terms and conditions as may be agreed upon between
the company which may build such road and the Bangor and
Aroostook Railroad Company, and to guarantee the payment of
any bonds and interest thereon which may be issued on such
connecting road by the railroad company which may build such
road. And the company which may build such road is hereby
authorized and empowered to lease its said road to said Bangor
and Aroostook Railroad Company as above provided.

Approved March 24, 1897.

Chapter 509.

An Act to incorporate the Westbrook, Windham, and Harrison Railway Company
and to authorize municipalities in Cumberland county, to aid in the construction
of its railway.

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

Corpora-
tors.

—corporate
name.

—author-
ized to
construct a
street rail-
way.

—route.

—location
must have
approval of
town of-
ficers.

Sect. 1. John C. Scates, Russell D. Woodman, Charles M.
Waterhouse, Charles B. Woodman and James H. Tolman, of
Westbrook, in the county of Cumberland, their associates, suc-
cessors and assigns, are hereby constituted a corporation by the
name of Westbrook, Windham and Harrison Railway Company,
with authority to construct, maintain, use and operate by com-
pressed air, electricity or animal power, a street railway with
convenient single or double tracks, side tracks, switches or turn-
outs, with any and all necessary or convenient lines of poles,
wires, appliances, appurtenances, pipes and conduits, and com-
pressor, electric and other plants for motive power, beginning
on Main street opposite Bridge street in said city of Westbrook,
and thence over the main road leading through said city of West-
brook, by the house of Mark Mosher in Gorham, to the village
of South Windham, and thence through said town of Windham,
the towns of Raymond, Casco, Otisfield, Naples and Harrison,
to some convenient point in said town of Harrison, upon and
over such streets, town roads and highways in said city and said
towns as may be fixed and determined by the municipal officers

of said city and of the several towns aforesaid, respectively, and assented to in writing by said corporation. Provided, that the aforesaid street railway shall not be extended beyond the village of Naples prior to the first day of November eighteen hundred and ninety-eight, nor thereafter, if the Bridgton and Saco River Railroad Company shall extend the line of its railroad from its present terminus to Harrison village on or before said first day of November eighteen hundred and ninety-eight; and in case of the failure on the part of said last named company to so extend its line, the said Westbrook, Windham and Harrison Railway Company shall have the further time of two years from said first day of November eighteen hundred and ninety-eight, within which it may extend and build its line of railway from Naples village to Harrison; and provided further, that said line of street railway shall not anywhere go nearer to the village of Gorham than the corner known as Mosher's, and that the cars of no other street railroad company, whether organized or to be organized under the general law or any special charter shall ever be allowed to run over the tracks of this company between its terminal in the city of Westbrook and Mosher's corner aforesaid; and it is hereby expressly provided that the location of the railway of this company in the main road from Westbrook to Mosher's corner, shall constitute no bar to the location of the tracks of any other company which may derive and obtain the right to locate another street railway in the same main road between Westbrook and Mosher's corner. The written assent of said corporation to any vote of said city and of said towns or of the municipal officers thereof, prescribing from time to time, the routes of such railway and the conditions and restrictions applicable to the maintenance and operation of the same shall be filed with the clerk of said city and the clerks of said towns respectively, and shall be taken and deemed to be the location thereof. Said railway 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, 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.

Sect. 2. If the municipal officers of said city or either of said towns upon a written application therefor neglect for thirty days to approve such a route and location as to streets, town roads or highways, or if they refuse to approve such a route and location, or if such route and location approved by them is not

—when railway may be extended beyond Naples village.

—exclusive right granted.

—location from Westbrook to Mosher's Corner, no bar to another railway over same route.

—assent of corporation to route, etc., shall be filed with city and clerks. towns

—right to fix transportation rates.

Appeal may be taken to supreme judicial court, if municipal officers neglect or refuse to

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approve route and location.

—appellants shall serve written notice upon municipal officers.

—if appeal is entered, court shall appoint committee to determine and define route and location.

—failure to appeal, shall not prevent new application.

Municipal officers shall make regulations as to rail, grade, speed, etc.

Company shall keep portions of streets occupied by it, in repair.

May take land and materials.

accepted by the corporation, in either case, said corporation may appeal to the next term of the supreme judicial court to be held in any county where any part of said railway is located, more than thirty days from the expiration of said thirty days or from the date of such refusal, or from the approval of a location that is not accepted by the corporation, as the case may be, excluding the day of the commencement of the session of said court. The appellants shall serve written notice of such appeal upon said municipal officers fourteen days at least before the session of said court, and shall at the first term file a complaint setting forth substantially the facts of the case. If the appeal is then entered, and not afterwards, the court shall appoint a committee of three disinterested persons who shall be sworn, and if one of them dies, declines, or becomes interested, the court may appoint some suitable person in his place, and they shall give such notice as the court has ordered, view the proposed route or routes, and location or locations, and make their report at the next term of the court after their appointment, defining therein the route and location as to streets or ways as determined by them, which after acceptance and entry of judgment thereon, shall forthwith be certified to the clerk of the city or town to which said judgment relates in lieu of the approval of the municipal officers. Costs may be taxed and allowed as the court may order. A failure to appeal shall not bar the corporation from making a new application to the municipal officers.

Sect. 3. The municipal officers of said city and of said towns shall have the power, at all times, to make all such regulations as to form of rail, grade of road bed, appliances and safeguards, rate of speed, and removal of snow and ice from the streets, town roads and highways, by said company, as the public convenience and safety may require. Said corporation shall keep and maintain in repair such portions of the streets, town roads and highways and bridges as shall be occupied by the tracks of its railway and for a space of eighteen inches outside of each rail, and shall make all other changes and repairs of said streets and roads as may be rendered necessary by the occupation of the same by said railway.

Sect. 4. Said corporation outside of the limits of streets, roads or ways for the location, construction and convenient use of its road, may purchase or take and hold by its location as for public uses, land and all materials upon it, whenever for any reason it appears to be impracticable to locate such railway within

the limits of said streets, roads or ways, and it shall be so found by the board of railroad commissioners, but the land so taken shall not exceed four rods in width unless necessary for excavation, embankments or materials; and the location of said railway upon land taken by virtue of this section shall be filed and the estimation and payment of damages for land so taken shall be made in accordance with the provisions of chapter fifty-one of the revised statutes.

—damages,
how esti-
mated.

Sect. 5. 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 dele-
gated to
board of
directors.

Sect. 6. Said Westbrook, Windham and Harrison Railway Company is hereby authorized to issue bonds in such amounts and on such time and terms as it may from time to time determine for any money which it may borrow, and secure the same by mortgages of its franchises, railways and property or by mortgages of its income or both. All bonds which shall be issued by said company shall be binding and legal, notwithstanding such bonds may be negotiated and sold by said company, or its agents, at less than their par value.

May issue
bonds and
mortgage
property.

Sect. 7. Said Westbrook, Windham and Harrison Railway Company shall have the power to aid, or invest its funds, in the construction, maintenance or carrying on of summer hotels, summer or shore resorts or amusements at such resorts.

May con-
struct and
maintain
summer
hotels.

Sect. 8. The capital stock of said corporation shall not exceed five hundred thousand dollars, to be divided into shares of one hundred dollars each, provided, however, that if the said capital stock is found by the directors of said corporation to be insufficient for carrying out the purposes and powers of said corporation, then said corporation may increase said capital stock from time to time to any amount, for the purposes provided for in this act. Such increase, however, must be assented to by vote, either in person or by proxy, of two-thirds in amount of all the stockholders, at a meeting thereof called by the directors for that purpose.

Capital
stock.

Sect. 9. Said corporation shall be liable for any loss or damage which any person may sustain by reason of any neglect or misconduct of its agents or servants, or by reason of any defect in said streets, town roads or highways occupied by said railway if such defect arise from neglect or misconduct of the corporation, its servants or agents. Said corporation shall be liable for all damages caused by its electric current to water and gas pipes.

Liable for
all dam-
ages.

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Penalty for malicious obstruction of corporation.

Sect. 10. If any person shall willfully or maliciously obstruct such corporation in the use of its road, tracks or property, or the passage of the cars or carriages of said corporation thereon, such person and all who 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 period not exceeding sixty days.

May take and hold real estate, water, etc.

Sect. 11. Said corporation may lease, purchase, receive, let, dispose of, or hold such real or personal estate and water or other motive power as may be necessary for the purposes and management of said railway and power plants and stations.

Construction and rails and grade, must be approved by municipal officers.

Sect. 12. Said railway 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 may be approved by the municipal officers of said city and said towns respectively, and upon such grades as the municipal officers of said city or towns respectively may direct; and whenever in the judgment of said corporation it shall be deemed necessary to alter the grade of any street, town road or highway, said alteration may be made at the expense of said corporation, provided, the same shall be assented to in writing by the municipal officers of said city or of said towns respectively. If the tracks of said corporation's railway cross any other railway of any kind in either said city or towns 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, decide and determine in writing, in what manner the crossing shall be made and it shall be constructed accordingly.

Manner of crossing other railroads, shall be determined by railroad commissioners.

Location may be changed by consent of municipal officers.

Sect. 13. Said corporation may at any time change the location of any of its railways in the streets, town roads and highways of said city and said towns by first obtaining the consent of the municipal officers of said city or towns respectively, and may make additional locations, subject to the foregoing provisions and conditions of this charter, but shall not be compelled to change a location once established as hereinbefore provided. Nothing herein contained shall be construed as granting to said Westbrook, Windham and Harrison Railway Company the right to run over the tracks of the Portland Railroad Company, or to make extensions into territory already occupied by the latter company, nor as granting to said last named company the right to run over the tracks of said Westbrook, Windham and

—act shall not be construed as granting right to run over tracks of Portland Railroad Company, etc.

Harrison Railway Company, or to make extensions in to its territory lying easterly or northeasterly of the Presumpscot river.

Sect. 14. Nothing in this act shall be construed to prevent the proper authorities of said city or towns respectively, from entering upon and temporarily taking up the soil, paving or planking in any street, town road or highway occupied by said railway, or the tracks, planking, or timbers of its railroad for any purpose for which said city or towns may now lawfully take up the same for purposes of reconstruction or repairs.

City and town officers shall have right to enter upon, etc., any street occupied by railway.

Sect. 15. Any city or town in the counties of Cumberland and Oxford deeming themselves interested in having said railroad constructed, or to be benefited thereby, may subscribe at par value for any amount of said stock, or loan their credit upon such terms and upon such securities as may be mutually agreed upon, or may both subscribe for stock and loan their credit as aforesaid by a vote of the legal voters of any such city or town present at any meeting legally called therefor, not to exceed the percentage prescribed by law of the valuation of such city or town, and such vote shall be obligatory on such city or town for the payment of the amount so subscribed or loaned on such time or terms as may be agreed upon by them and the company and all stock so subscribed for by such city or town shall be represented in said corporation by the municipal authorities thereof, and any such city or town specified in this section may in such vote designate on what part of said railroad line, if any, in such city or town, any money so voted to be raised by such town shall be expended and used, and said corporation shall expend and use all such money in the manner designated by such vote and in no other manner.

City and towns may subscribe for stock and loan credit.

Sec. 16. Said railway corporation shall have all the rights and be subject to all the liabilities of street railways under the laws of this state, except so far as this act is inconsistent therewith, or makes provisions in regard to any special subject, power or matter.

Company shall have the rights, and be subject to all liabilities of railways under laws of state.

Sect. 17. In the erection and maintenance of any and all its poles, posts, lamps and wires, said corporation shall be subject to the general laws of the state, regulating the erection of posts and lines for the purposes of electricity.

Shall be subject to general laws of state.

Sect. 18. This charter is granted upon the express condition that no part of its line of street railway shall be used, except for purposes of construction, until at least ten miles of its line, beginning at the Westbrook terminal, shall have been con-

Conditions upon which this charter is granted.

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structed and finished, and if at least ten miles of its line, beginning at its Westbrook terminal, shall not be constructed, finished and in operation on or before the first day of November, eighteen hundred and ninety-eight, then this charter shall be null and void and all rights of this company, even as to any part of its line which may have been constructed shall cease and terminate.

First meeting, how called.

Sect. 19. The first meeting of said corporation may be called by one of the corporators giving written notice to the others, of the time and place of the meeting, at least seven days before the meeting.

Approved March 24, 1897.

Chapter 510.

An Act to give to the Oxford Light Company certain powers not granted by the general law.

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

Company authorized to purchase electric light plants in Norway and Paris.

Sect. 1. The Oxford Light Company, a corporation organized under the general laws of the state, for the purpose of making, generating, selling, distributing and supplying electricity for lighting, heating, manufacturing and mechanical purposes in the towns of Norway and Paris, is authorized to purchase and hold the property, rights, privileges, locations and immunities of any electric light plant now in either of said towns, and upon such purchase and transfer, the Oxford Light Company shall succeed to and enjoy all the locations, rights, privileges, and immunities now held by the owners thereof.

Upon purchase, company shall be held to perform all existing contracts.

Sect. 2. Upon any or either of the purchases authorized by the preceding section, the said Oxford Light Company shall thereafter faithfully perform all the obligations of any and all contracts then existing between the owners of any plant so selling and any town, municipal corporation, or person in each and every particular, and shall be subject to all the liabilities thereof; and shall thereupon succeed to and enjoy all the rights thereunder as fully as if it had been originally a party thereto.

Locations of posts and wires, confirmed.

Sect. 3. The locations of all posts, wires and fixtures in any of the streets or ways within said towns as now established and maintained, are hereby confirmed and made valid with all the rights and subject to all the liabilities of the general laws of the state regulating the erection of posts and wires for the purposes of electricity.