

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

Published by the Secretary of State, agreeably to Resolves of June 28,
1820, February 18, 1840, and March 16, 1842.

AUGUSTA
KENNEBEC JOURNAL PRINT
1903

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1903.

authorized to enter with such contract for sale or lease, and the directors of the two corporations may enter into contract for the running of the road, and for the purchase, sale or lease thereof, as the directors of the two contracting companies, in the exercise of their best judgment and discretion may deem for the advantage of their respective corporations, subject to the approval of a majority of the stock in each corporation.

Section 7. Provided, however, that said corporation shall not locate its road until the capital stock required by section three has been subscribed in good faith by responsible parties, and five per cent paid thereon in cash to the directors of said corporation, and an affidavit made by a majority of said directors, and recorded in the office of the secretary of state, that the amount of the stock required by section three has been in good faith subscribed and five per cent paid thereon as aforesaid, and that it is intended in good faith to construct, maintain and operate said road. The secretary of state shall record said affidavit upon payment of five dollars.

Capital stock shall be subscribed before location of road.

Section 8. Said corporation or its successors or assigns shall have authority to use either steam or electricity in the operation of said road.

May use steam or electricity.

Section 9. This charter is granted because the objects sought to be accomplished cannot be fully attained and accomplished under the general laws for the formation of railroad companies.

Section 10. This act shall take effect when approved.

Approved February 25, 1903.

Chapter 75.

An Act to incorporate the Camden and Liberty Railway.

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

Section 1. Thomas W. Lawson, Holly M. Bean, Charles W. Emery, Charles E. Littlefield, Reuel Robinson, Charles C. Griffin, Herbert L. Shepherd, E. Frank Knowlton, John G. Crowley, William E. Schwartz, Lucius C. Morse and Robert L. Bean, their associates, successors and assigns, are hereby constituted a corporation by the name of the Camden and Liberty Railway, with authority to construct, maintain and operate by electricity or other motive power, a street railway with all necessary and convenient power stations, car houses and lines of poles, wires, appliances, appurtenances and conduits, with convenient single

Corporators.

—corporate name.

CHAP. 75

—location.

or double tracks, side tracks, switches or turnouts, to connect with the Rockland, Thomaston and Camden Street Railway, from such points in the town of Camden, and thence through said Camden and the towns of Lincolnville, Hope, Searsmont, Appleton, Montville, and Liberty, or any of said towns, to any points in said Liberty, upon and over such public highways, and upon and over such other streets and ways in said towns, or any of them, as shall, from time to time, be fixed and determined by the municipal officers of said towns, and assented to in writing by said corporation; provided, however, that all tracks of said

—proviso.

railway shall be laid at such distances from the sidewalks in any of said towns as the municipal officers thereof shall, in their order fixing the routes and locations of said railway, determine to be for public safety and convenience. The written assent of said corporation to any vote of the municipal officers of either of said towns, prescribing from time to time, the routes of said railway therein, shall be filed with the clerk of said town, and shall be taken and deemed the location thereof, and such location prescribed by said municipal officers shall include the location of all tracks, side tracks, switches or turnouts and conduits of said

—alteration, location of poles, etc., may be directed by municipal officers.

railway, together with the location and kind of poles and the height at which and the places where the wires may run, for operating said railway or for other purposes. After the erection of the lines, having first given said corporation or its agents opportunity to be heard, the said municipal officers of either of said towns may direct any alteration in the location or erection of such poles and in the height of the wires, the same to be filed with the clerk of said town as aforesaid, and said corporation shall not be required to have any other license or permit for the location or maintenance of said poles or wires. Outside of the limits of highways, roads, streets or ways, for the location, construction or convenient use of its road, said corporation may purchase or take and hold by its location as for public uses, land and all materials in and upon it, whenever for any reason it appears to be impracticable to locate such railway within the limits of said highways, roads, streets 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. Said corporation shall have power from time to time, to fix such rates of compensation for transporting persons and property as it may think expedient, and shall

—may purchase or take land.

—land taken shall not exceed four rods in width.

—may fix rates for transportation of persons and property.

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 and acts amendatory thereof and additional thereto. Said corporation is also authorized to carry on the business of an express company.

Section 2. Said corporation may operate electric generators by steam or water power or both, and for that reason may purchase, lease, hold and operate such water powers and privileges in the counties of Knox and Waldo as it may deem necessary or convenient. It may purchase, lease, erect, or otherwise acquire, and maintain hotels, casinos, cottages and pleasure grounds on the line of its road. Said corporation is also authorized and empowered to carry on the business of lighting by electricity such public streets in the towns of Lincolnville, Hope, Searsmont, Appleton, Montville, and Liberty, or any of said towns, and such buildings and places therein, public and private, as may be agreed upon by said corporation and the owners having control of such buildings or places to be lighted, and may contract with any of said towns for the lighting of said public streets, buildings and places, and may furnish motive power by electricity within any of said towns, and may build and operate manufactories and works for providing and supplying electricity, light and power, and may purchase, lease and hold real and personal property, and do all other acts and things necessary and convenient for carrying on said business. It may construct, lay, maintain and operate lines of poles, wires, appliances and conduits for the transmission of electricity for light or power, upon, under, along and over any and all streets and ways in said towns with the consent and under the direction of the municipal officers thereof. It may take and hold as for public uses, land necessary for the construction and operation of its lines, and land so taken and damages therefor may be estimated, secured and determined and paid as in case of railroads; provided, however, that the right of taking lands or other property as for public uses shall not extend to property to be used for any of the other purposes enumerated in this section.

Section 3. The municipal officers of said town through or into which the road of said corporation may run, shall have power, at all times, to make all regulations as to the rate of speed, the removal of snow and ice from the streets, roads and ways by said corporation at its expense, and the manner of use of tracks of said railway within each of said towns as public convenience and safety may require.

Section 4. Said corporation shall keep and maintain in repair such portions of the streets and ways as shall be occupied by the

May operate water power, etc.

—may light public streets in certain towns.

—may light buildings.

—may furnish motive power.

—may erect poles, wires, etc., with consent of municipal officers.

—may take land.

Municipal officers may regulate rate of speed and removal of snow and ice.

Shall keep certain portions of

CHAP. 75

streets in
repair.

—liable for
damages.

tracks of said railway, and shall make all other repairs of said streets, roads and ways within either of said towns which may be rendered necessary by the occupation of the same by said railway, and if not repaired upon reasonable notice, such repairs may be made by said towns at the expense of said corporation. Said corporation shall repay to any town, any sum of money which such town may have been compelled to pay on any judgment, for damages caused by a defect or want of repair in the streets thereof, due to the negligence of said corporation, or any judgment for damages caused by the neglect of said corporation in the erection or maintenance of poles, wires or appurtenances connected with its business; provided, said corporation may have notice in writing of any suit wherein such damages are claimed, within seven days after process is served upon the town, and shall be allowed to defend the same at its own expense. Said corporation shall not be allowed to obstruct or impair the use of any public or private drain or sewer, telegraph or telephone wire, but may cross, or when necessary, change the direction of any private wire or pipe, drain or sewer, in such manner as not to obstruct or impair the use thereof, being responsible to the owner or other person for any injury occasioned thereby, in an action on the case.

Penalty for
obstructing
tracks.

Section 5. If any person shall wilfully or maliciously obstruct said corporation in the use of its roads or tracks or the passing of cars, carriages or other vehicles of said corporation thereon, such person and all who shall aid or abet therein, shall be punished by a fine not exceeding two hundred dollars or with imprisonment in the county jail for a period not exceeding sixty days.

Capital stock.

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

May acquire
necessary
real and
personal
property.

Section 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 accomplishment of its purposes.

Manner of
construction
shall be
under
direction of
municipal
officers.

Section 8. Said railway shall be constructed and maintained, in the streets and ways in each of said towns wherein it may be located, in such form and manner and upon such grades and with such rails as the municipal officers of said town shall direct, and whenever in the judgment of said corporation it shall be necessary to alter the grade of any street or way, said alteration may be made at the sole expense of said corporation, provided the same shall be assented to by the municipal officers of the town wherein said grade so sought to be changed is located. If the tracks of

CHAP. 75

said corporation's railway cross any other railroad and a dispute arises in any way in regard to the manner of crossing, the board of railroad commissioners of this 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 determine the manner of crossing other railroads.

Section 9. Said corporation may change the location of said railway in any of said streets and ways at any time by first obtaining the written consent of the municipal officers of the town in which the change is so sought to be made, and to make additional locations subject to the foregoing provisions and conditions.

Location of, how changed.

Section 10. Nothing in this act shall be construed to prevent the proper authorities of either of said towns from entering upon and taking up any of the streets or ways in either of said towns, occupied by said railway, for any purpose for which they may lawfully take up the same.

Proper town authorities may enter upon or take up streets or ways.

Section 11. No other person or corporation shall be permitted to construct or maintain any railroad for similar purposes over the same streets or ways, or between the same points, that may be lawfully occupied or connected by the railway of this corporation, but any person or corporation lawfully operating any street railroad to any point 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 for the state of Maine; and this corporation may enter upon, connect with and use the street railroad of any other corporation or person, under the same conditions and provisions.

Exclusive franchise given.

Section 12. Said corporation is hereby authorized to issue bonds in such amount and on such time as may from time to time be determined, in aid of the purposes specified in this act, and to secure the same by a mortgage of its franchises and property. It is also hereby authorized to lease or sell all of its property and franchises upon such terms as it may determine.

May issue bonds.

—may mortgage its property.

Section 13. 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.

Section 14. This charter shall be null and void unless operations for building said railway shall have been actually commenced within two years from the time when this act shall take effect.