

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE.

1891.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1891.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1891.

Chapter 115.

An Act to authorize Bangor Street Railway to extend its system.

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

Bangor Street Railway, authorized to extend its line.

SECT. 1. Bangor Street Railway is hereby authorized to lay and maintain its rails, set poles, and place wires, and operate such cars upon the streets within the towns of Hampden, Orrington and Veazie, or any of said towns, the license of the municipal officers of such town or towns to occupy such streets for such purposes having been first obtained.

May issue bonds and mortgage property.

SECT. 2. Said Bangor Street Railway may issue additional stock, and its bonds secured by a mortgage or mortgages of such additional track, equipments, poles, wires, and other additional property as may be necessary.

Company authorized to extend line to Veazie, if O. O. & V. Ry. fails to build road within two years.

SECT. 3. If the Old Town, Orono and Veazie Railway shall fail to construct its line of railway from Old Town to the junction of Main and Olive streets in the town of Veazie within two years from the approval of this act, then said Bangor Street Railway is authorized to extend its railway with all the privileges granted in the act incorporating said Old Town, Orono and Veazie Railway.

SECT. 4. This act shall take effect when approved.

Approved February 25, 1891.

Chapter 116.

An Act to incorporate the Old Town, Orono and Veazie Railway Company.

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

Corporators.

SECT. 1. A. J. Durgin, B. E. Doniga, E. N. Mayo, M. D., A. F. Lewis, Albert White of Orono; and A. J. McPhetres, A. Lambert, E. K. Stuart, J. E. Kent of Veazie, Penobscot county, and J. Manchester Haynes of Augusta, Kennebec county, their associates, successors and assigns, are hereby constituted a corporation by the name of the Old Town, Orono and Veazie Railway Company, with authority to construct, maintain and operate by electricity or animal power, a street railway with convenient single or double tracks, side tracks, switches or turnouts, with all necessary

—corporate name.

—authorized to maintain a street railway.

or convenient lines of poles, wires, appliances, appurtenances and conduits, to connect with the Old Town Street Railway Company, from such points in said Orono, and thence through Main street, Island avenue, Mill street, Bridge street, Summer and Oak streets, College road, Old Town road, Main street, Marsh island, Penobscot street, Water street, Broadway and Pine street, Crosby street and across the bridge over the Stillwater river in said town of Orono, and upon and over the direct lines of highway as traveled, and upon and over such other streets and roads in said towns as may from time to time be fixed and determined by the municipal officers of said towns and assented to in writing by said corporation, to the junction of Main and Olive streets in the town of Veazie. Said corporation shall have authority to construct, maintain and operate said railroad upon and over any lands where the land damages have been mutually settled by said corporation and owners thereof; provided, however, that all tracks of said railroad shall be laid at such distances from the sidewalks of said towns as the respective municipal officers thereof respectively, shall in their order fixing the routes of said railroad determine to be for the public safety and convenience. The written assent of said corporation to any vote or votes of the municipal officers of said towns, prescribing from time to time the routes of said railroad shall be filed with the respective clerks of said towns, and shall be taken and deemed to be the location thereof. Said corporation shall have 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.

—route.

—municipal officers, may determine location.

—company, may fix rates.

SECT. 2. The municipal officers of said towns shall have power at all times within their municipal limits 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 as the public safety and convenience may require.

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

SECT. 3. Said corporation shall keep and maintain in repair such portions 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 shall be rendered necessary by the occupation of the same by said rail-

Company, shall keep streets in repair.

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road. And if not repaired upon reasonable notice such repairs may be made by said towns within their respective limits at the expense of said corporation. 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, if such defect arises from neglect or misconduct of the corporation, its servants or agents; and in actions brought against the company to recover damages by reason of such defects, the plaintiff shall have the rights and be subject to the burdens of proof and limitations and conditions provided by the general statutes applicable to suits for such causes against towns as now existing, the directors of said company standing in this respect in place of town officers.

—liability, for damages caused by neglect, etc.

SECT. 4. If any person shall willfully and maliciously obstruct such corporation in the use of its roads, tracks or property, or the passing of cars or carriages of said corporation thereon, such persons 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.

Penalty, for willfully obstructing corporation.

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

Capital stock.

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

May hold real estate.

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 towns may 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 towns and city respectively. But said corporation shall not be liable to any abutting land owners for any such alteration of the grade. If the tracks of said corporation's railroad cross any other railroad of any

Municipal officers, shall prescribe grade.

Manner of crossing other railroads, shall be determined by R. R. Commissioners.

kind in said 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.

SECT. 8. Said corporation may change the location of said railroad by first obtaining the written consent of the municipal officers of said towns, and make additional locations subject to the foregoing provisions and conditions.

Location, may be changed by consent of municipal officers.

SECT. 9. Nothing in this act shall be construed to prevent the proper authorities of said towns from entering upon and temporarily taking up the soil in any street, town or county road occupied by said railroad, for any purposes for which they may now lawfully take up the same.

Towns, shall retain full power over streets.

SECT. 10. No other corporation or persons 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 street 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.

Exclusive right to maintain railroad, granted.

SECT. 11. 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 this state, but shall have all the rights and be subject to all the liabilities of street railroads within this state.

Shall not be deemed a railroad.

SECT. 12. Said corporation is hereby authorized to issue bonds in such amounts and on such times and terms as it may from time to time determine, for any money which it may borrow for any purpose sanctioned by law in aid of the purposes specified in this act, and secure the same by a mortgage of its franchises and property. 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.

May issue bonds and mortgage property.

—how collected

SECT. 13. Said corporation is hereby authorized to lease all of its property and franchises on such terms as it may determine. Also to consolidate with or to acquire by lease, purchase or otherwise the lines, property and franchises of any other street railroad whose lines as constructed or chartered would form connecting or continuing lines with the lines

May lease property.

—consolidate with other lines.

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of this company, and in such case this corporation shall be entitled to all the privileges and be subject to all appropriate conditions and limitations contained in the charters thus united with or acquired. Wherever any person or corporation shall be lawfully operating any street railway to any point to which this corporation's tracks extend, this corporation may enter upon, connect with, and use the same on such terms and in such manner as may be agreed upon between the parties.

When and how road may be operated.

SECT. 14. Said corporation shall not be required to run cars upon their road during the winter season nor when the convenience or wants of the public do not require it. And said corporation is permitted to run at its pleasure, omnibuses instead of rail cars.

Authorized to use the poles of other corporations, if owners consent.

SECT. 15. Whenever 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 owners 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 said corporation, one by the municipal officers, and the third by the two so chosen; the decision of the 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 the purposes of electricity.

Company, authorized to extend its line, if B. S. Railway fails to construct road to Veazie within two years.

SECT. 16. If the Bangor Street Railway shall fail to construct its line of railway from Bangor to the junction of Main and Olive streets in the town of Veazie, within two years from the approval of this act, then said Old Town, Orono and Veazie Railway is authorized to extend its railway, with all the privileges granted by this act, to that point on the line of the Bangor Street Railway which is the nearest practicable point to said junction of Main and Olive streets in said town of Veazie.

First meeting, how called.

SECT. 17. The first meeting of said corporation shall be called in the manner provided in the revised statutes, chapter forty-six, section three.

SECT. 18. This act shall take effect when approved.