

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

1864.

AUGUSTA:

STEVENS & SAYWARD, PRINTERS TO THE STATE.

1864.

FORTY-THIRD LEGISLATURE.

SENATE.

No. 9.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-FOUR.

AN ACT to incorporate the Bangor and Brewer Street
Railroad Company.

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

SECTION 1. George M. Weston, Ambrose C. Wilson,
2 Deodat Brastow, J. C. Chamberlain and Joab W. Pal-
3 mer, their associates and successors, are hereby consti-
4 tuted a corporation by the name of the Bangor and
5 Brewer Street Railroad Company, with authority to
6 construct, maintain and use a railroad to be operated
7 by horse power, with convenient single or double tracks
8 from such point or points in the city of Bangor, upon
9 and over such streets therein, as shall from time to
10 time be fixed and determined by the municipal officers

11 of said city of Bangor, and assented to in writing by
12 said corporation, and across the Bangor bridge to
13 Brewer village, upon and over such streets, town and
14 county roads in said town of Brewer, as from time to
15 time may be fixed and determined by the municipal
16 officers of said town, and assented to in writing by
17 said corporation; said corporation shall also have au-
18 thority to construct, maintain and use said railroad
19 over and upon any lands where the land damages have
20 been mutually settled by and between said corporation
21 and the owners thereof; *provided however*, that all
22 the tracks of said railroad shall be laid at such distance
23 from the sidewalks of said city of Bangor and town of
24 Brewer, as the municipal officers thereof, respectively,
25 shall, in their order fixing the routes of said railroad,
26 determine to be for public safety and convenience.
27 The written assent of said corporation to any vote or
28 votes of the municipal officers of said city or town,
29 prescribing from time to time the routes of said rail-
30 road, shall be filed with the respective clerks of said
31 city or town, and shall be taken and deemed the loca-
32 tions thereof. Said corporation shall have power from
33 time to time to fix such rates of compensation for
34 transporting persons or property, as it may think ex-
35 pedient, and generally shall have all the power and

36 be subject to all the liabilities of corporations, as set
37 forth in the forty-sixth chapter of the revised statutes.
38 Rails shall not be laid down in said city or town with-
39 out the assent of the municipal officers thereof, re-
40 spectively. The original location of the route when
41 granted, shall be for the term of fifty years. The
42 same may be renewed from time to time for a term not
43 exceeding twenty-five years at any one time, by said
44 municipal officers, upon such terms as they may deem
45 expedient. No such renewal shall be granted prior to
46 two years before the expiration of the location then
47 established. No location shall be granted or renewed,
48 except upon reasonable prior notice to all parties inter-
49 ested. If at the expiration of any of said terms, the
50 use of the streets, roads or highways, occupied by said
51 company's railroad, is granted by the municipal offi-
52 cers of either said city or town, or both, to any other
53 corporation or person, it shall be upon condition that
54 such corporation or person shall purchase of said com-
55 pany all its property of every description in necessary
56 use for the purposes of said railroad, upon such terms
57 as may agreed upon by the parties, or determined by
58 persons selected by them; and if they are unable to
59 agree, the value of the same shall be determined by
60 three disinterested persons, appointed by a judge of a

61 supreme judicial court, on application of either party,
62 and hearing thereon. Said appraisers shall be sworn,
63 give notice of the time and place of their meeting to
64 examine and appraise said property, and shall make
65 to each party a written award; and their services
66 shall be paid in equal proportions by the parties. If
67 the municipal officers of either said city or town, or
68 both determine, that at the expiration of any of said
69 terms, the use of the streets, roads or highways occu-
70 pied by said company's railroad shall be granted to
71 any person or corporation for the purpose of a horse
72 railroad on the payment of any sum of money, yearly,
73 or in any other manner, said company shall have the
74 preference, and such use shall be granted or renewed
75 to said company, provided it will pay as much therefor
76 as any other corporation or person.

SECT. 2. Said railroad shall be operated and used
2 by said corporation with horse power only. The
3 municipal officers of said city of Bangor and of said
4 town of Brewer, respectively, shall have power at all
5 times to make all such regulations, as to the rate of
6 speed and removal of snow and ice from the streets,
7 roads, and highways, by said company at its expense,
8 and mode of use of the track of said railroad within

9 said city or town, as the public safety and conveni-
10 ence require.

SECT. 3. Said corporation shall keep and maintain
2 in repair, such portion of the streets, town or county
3 roads, as shall be occupied by the tracks of its rail-
4 road, and shall make all other repairs of said streets
5 or roads, which in the opinion of the municipal officers
6 of said city or town, respectively, may be rendered
7 necessary by the occupation of the same by said rail-
8 road, and if not repaired, upon reasonable notice,
9 such repairs may be made by said city or town,
10 respectively, at the expense of said corporation.
11 And said corporation shall be liable for any loss or
12 damage which any person may sustain, by reason of
13 any carelessness, neglect or misconduct of its agents
14 or servants.

SECT. 4. If any person shall wilfully and mali-
2 ciously obstruct said corporation in the use of its
3 road or tracks, or the passing of the cars or carriages
4 of said corporation thereon, such person, and all who
5 shall aid and abet therein, shall be punished by a
6 fine not exceeding two hundred dollars, or may be
7 imprisoned in the county jail for a period not exceed-
8 ing sixty days.

SECT. 5. The capital stock of said corporation

2 shall not exceed one hundred thousand dollars, to
3 be divided into shares of one hundred dollars each,
4 and no share shall be issued for less than the par
5 value.

SECT. 6. Said corporation shall have power to
2 purchase and hold such real estate as may be nec-
3 essary and convenient for the purposes and manage-
4 ment of said railroad.

SECT. 7. Said railroad shall be constructed and
2 maintained in such form and manner, and with
3 such rail, and upon such grade as the municipal
4 officers of said city of Bangor and of said town of
5 Brewer, respectively, shall from time to time pre-
6 scribe and direct; and whenever in the judgment
7 of said corporation it shall be necessary to alter the
8 grade of any street, town or county road occupied
9 by its railroad, said alterations may be made at the
10 sole expense of said corporation; *provided*, the same
11 shall be assented to by the municipal officers of said
12 city and town, respectively. If the tracks of said
13 company's railroad cross any other railroad of any
14 kind, in either said city or town, and a dispute arises
15 in any way in regard to the manner of crossing,
16 said municipal officers of the town or city in which
17 said proposed crossing is to be made, shall upon

18 hearing, decide and determine in writing in what
19 manner the crossing shall be made, which shall be
20 constructed accordingly.

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

SECT. 9. This act shall be void unless the same
2 shall be accepted by said corporation, and ten per
3 cent. of the capital stock thereof be paid in within
4 five years from its passage.

SECT. 10. Said corporation is hereby authorized to
2 issue bonds for the purpose of constructing its railroad,
3 or for money which it may borrow for any purpose
4 sanctioned by law ; but the bonds so issued shall not
5 exceed the amount of the capital stock paid in by the
6 stockholders. Said bonds may be issued in sums not
7 less than one hundred dollars each, payable in not
8 more than twenty years from their date, with interest
9 at the rate of six per cent. payable semi-annually.

SECT. 11. Such bonds shall be approved by a
2 majority of the directors of said corporation, who
3 shall certify that each of said bonds is properly issued

4 and recorded upon the books of the corporation. All
5 bonds and notes which shall be issued by said cor-
6 poration, shall be binding and collectable in law,
7 notwithstanding such bonds or notes may be nego-
8 tiated and sold by said corporation or its agents, at
9 less than their par value.

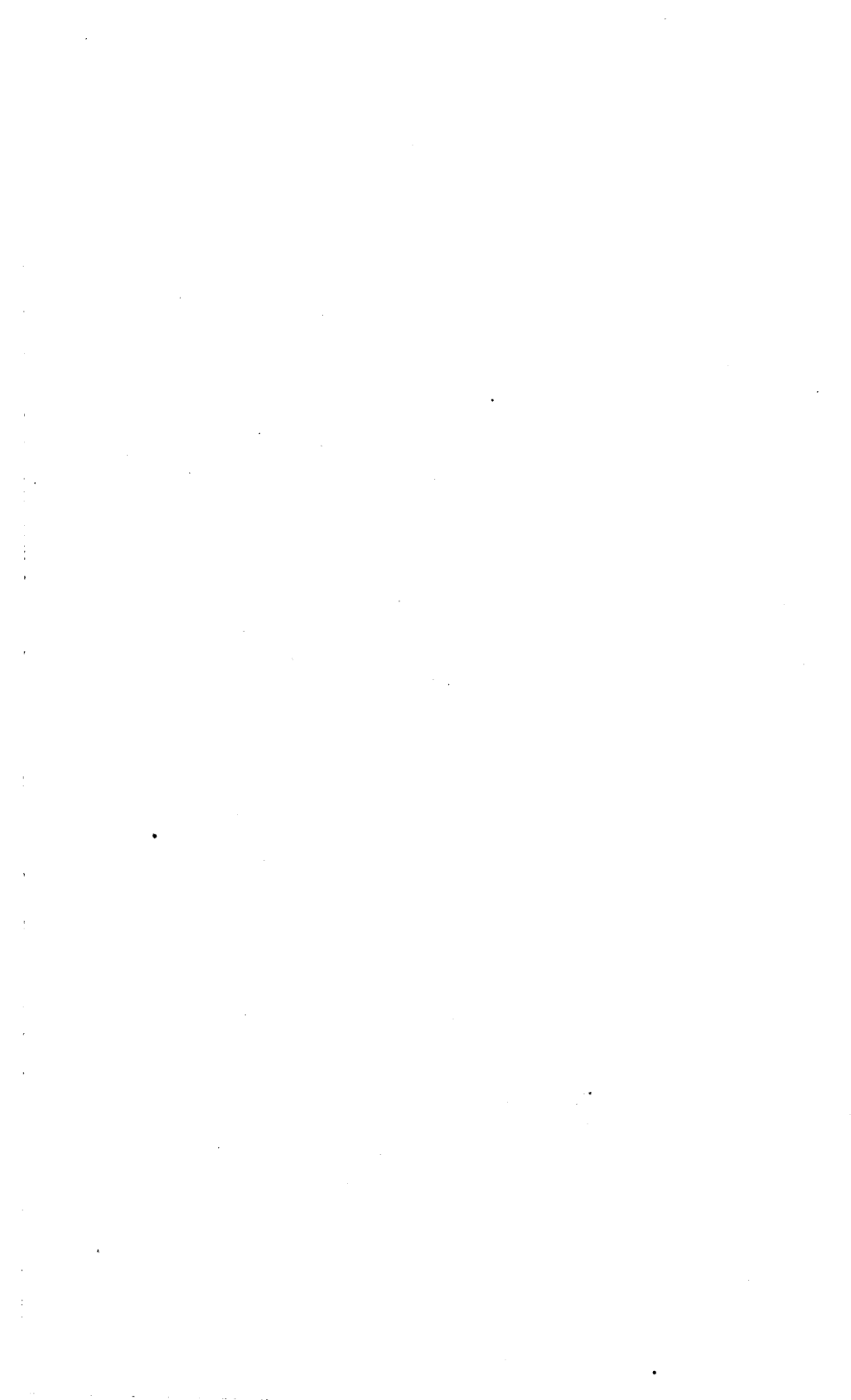
SECT. 12. Said bonds shall be secured by a con-
2 veyance of the corporate property to three trustees, by
3 a suitable instrument of mortgage, to secure the pay-
4 ment of said bonds.

SECT. 13. Said corporation shall pay semi-annually
2 to said trustees, a sum equal to one per cent. on the
3 amount of said bonds, for the purpose of creating a
5 sinking fund. Said trustees shall have the care and
6 management of all the moneys, funds and securities
7 belonging to said sinking fund, and they shall, from
8 time to time, at their discretion, invest moneys on
9 hand securely, and so that the same shall be produc-
10 tive; and the same may be invested in the bonds of
11 said corporation, secured as aforesaid, or loaned on
12 interest to any county, city or town, or any bank in
13 this State, or the same may be loaned on interest,
14 well secured by a first mortgage of real estate, to an
15 amount not exceeding half the value thereof, or by
16 pledge of the scrip or stock of any of the New England

17 States, or of any city, county, or town as aforesaid,
18 and the same fund, with the accruing interest, shall
19 constitute a sinking fund for the payment and redemp-
20 tion of said bonds.

SECT. 14. The provisions of the fifty-third section
2 of the fifty-first chapter of the revised statutes, and of
3 the nine sections of said chapter next following, are
4 hereby made applicable to said bonds, and to said
5 mortgage made to secure the same, but said corpora-
6 tion shall not be subject to the other general provisions
7 of law, relating to railroads.

SECT. 15. This act shall take effect when approved
2 by the governor.



STATE OF MAINE.

IN SENATE, February 17, 1864.

On motion of Mr. MANSON of Penobscot, laid on the table and
350 copies ordered to be printed for the use of the Legislature.

EZRA C. BRETT, *Secretary*.