

MAINE STATE LEGISLATURE

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Sixty - Third Legislature.

HOUSE.

No. 238.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN.

AN ACT to amend Chapter five hundred and forty-one of the private laws of eighteen hundred and seventy-one, entitled "An Act to incorporate the Penobscot and Lake Megantic Railroad Company" as amended by Chapter sixty-five of the private laws of eighteen hundred and eighty-one, and as farther amended by Chapter four hundred and three of the private laws of eighteen hundred and eighty-five.

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

SECTION 1. Section two of Chapter five hundred and 2 forty-one of the private laws of eighteen hundred and 3 seventy-one, as amended by Section one of Chapter sixty- 4 five of the private laws of eighteen hundred and eighty- 5 one, and as farther amended by Section one of Chapter 6 four hundred and three of the private laws of eighteen 7 hundred and eighty-five, is hereby amended by striking

8 out all of said Section two after the word "Railway" in
9 the seventh line thereof, and substituting therefor the fol-
10 lowing: 'in the town of Mattawankeag, thence through
11 Woodville, Chester, Township Two, Range Eight, Town-
12 ship Three, Range Eight, (perhaps touching Maxfield and
13 Medford, or one of them), Township Four, Range Eight,
14 Brownville, Williamsburg, Barnard, Bowerbank, How-
15 ard, Elliotsville, to and through Greenville, near the foot
16 of Moosehead Lake, and thence to the point on the west
17 line of the State to which the International Railway of
18 Canada is now built. Said corporation shall make and
19 maintain a connection with the Bangor and Piscataquis
20 Railroad near the terminus of said last named railroad in
21 Greenville (if the Bangor and Piscataquis Railroad Com-
22 pany shall consent thereto), under the direction of the
23 Railroad Commissioners as to terms, conditions and man-
24 ner of connection, and the two railroads shall be regarded
25 as connecting roads, and subject to the laws of the State
26 as to connecting roads. But instead of the route herein
27 granted, the said International Railroad Company shall
28 use the line of the Bangor and Piscataquis Railroad Com-
29 pany from its terminus at Moosehead Lake to a point in
30 Milo, and thence by the most feasible route to its line
31 above granted, upon such terms for use, lease or purchase
32 as hereinafter provided, if the said Bangor and Piscataquis
33 Railroad Company can be made to conform in its grade
34 and curves to the requirements of the act of the Dominion
35 of Canada. And for the purpose of ascertaining if said
36 Bangor and Piscataquis Railroad can be made to conform
37 to such grades and curves, the Governor, upon the peti-
38 tion of the Bangor and Piscataquis Railroad and at their

39 expense, shall appoint a commission of three competent
40 engineers, who shall determine what changes shall be
41 required in the Bangor and Piscataquis Railroad. And the
42 terms of use, lease or purchase shall be agreed upon by the
43 International and Bangor and Piscataquis Railroad, and
44 in case of failure to so agree, shall be determined by
45 the Railroad Commissioners or by seven commission-
46 ers appointed by the Chief Justice of the Supreme Court
47 as the International Company may elect. And if said
48 Bangor and Piscataquis Railroad shall not accept the decis-
49 ion of said commissioners, said International Railroad
50 Company shall not be required to use any part of
51 the Bangor and Piscataquis Railroad Company's road,
52 but if such decision is accepted, contract shall be made
53 between the two companies, and all changes of grade
54 and curvature shall be made by said International Rail-
55 road Company; and in fixing the terms of contract
56 the commissioners may take into consideration the cost
57 of such changes. So that said Section two, as amended,
58 shall read as follows :

'SECT. 2. The said corporation is hereby fully empow-
60 ered to survey, locate, construct, complete, alter, equip,
61 and keep in repair a railroad, with one or more tracks,
62 and all necessary buildings, tunnels, viaducts, turnouts,
63 side tracks, culverts, bridges, drains, and all other needful
64 appendages and appurtenances, from some point on the
65 line of the European and North American Railway in the
66 town of Mattawamkeag, thence through Woodville, Ches-
67 ter, Township Two, Range Eight, Township Three, Range
68 Eight, (perhaps touching Maxfield and Medford, or one of
69 them), Township Four, Range Eight, Brownville, Williams-

70 burg, Barnard, Bowerbank, Howard, Elliotsville, to and
71 through Greenville, near the foot of Moosehead Lake, and
72 thence to the point on the west line of the State to which the
73 International Railway of Canada is now built. Said cor-
74 poration shall make and maintain a connection with the
75 Bangor and Piscataquis Railroad near the terminus of said
76 last named railroad in Greenville (if the Bangor and Pis-
77 cataquis Railroad Company shall consent thereto), under
78 the direction of the Railroad Commissioners as to terms,
79 conditions and manner of connection, and the two rail-
80 roads shall be regarded as connecting roads, and subject
81 to the laws of the State as to connecting roads. But instead
82 of the route herein granted, the said International Rail-
83 road Company shall use the line of the Bangor and
84 Piscataquis Railroad Company from its terminus at
85 Moosehead Lake to a point in Milo, and thence by the
86 most feasible route to its line above granted, upon such
87 terms for use, lease or purchase as hereinafter provided,
88 if the said Bangor and Piscataquis Railroad Company can
89 be made to conform in its grade and curves to the re-
90 quirements of the act of the Dominion of Canada. And
91 for the purpose of ascertaining if the said Bangor and
92 Piscataquis Railroad can be made to conform to such grades
93 and curves, the Governor, upon the petition of the Bangor
94 and Piscataquis Railroad and at their expense, shall ap-
95 point a commission of three competent engineers, who
96 shall determine what changes shall be required in the
97 Bangor and Piscataquis Railroad. And the terms of use,
98 lease or purchase shall be agreed upon by the Interna-
99 tional and Bangor and Piscataquis Railroad, and in case of
100 failure to so agree shall be determined by the Railroad

101 Commissioners or by seven commissioners appointed by
102 the Chief Justice of the Supreme Court as the Interna-
103 tional Railroad Company may elect. And if the said
104 Bangor and Piscataquis Railroad shall not accept
105 the decision of said commissioners, said International
106 Railroad Company shall not be required to use any part
107 of the Bangor and Piscataquis Railroad Company's road,
108 but if such decision is accepted, contract shall be made
109 between the two companies, and all changes of grade and
110 curvature shall be made by said International Railroad
111 Company; and in fixing the terms of contract the com-
112 missioners may take into consideration the cost of such
113 changes.'

SECT. 2. The said corporation shall have until the first
2 day of September, eighteen hundred and eighty-seven, to
3 file with the county commissioners of the several counties
4 through which it shall pass the location of its line, accord-
5 ing to actual survey, from the Kennebec River east to its
6 junction with the European and North American Railway,
7 and shall have the same time to file, in like manner, any
8 desired amendments of location already filed of other
9 portions of its line between the Kennebec River and the
10 west line of the State. It shall have until the first day
11 of January, eighteen hundred and eighty-nine, to com-
12 plete its railroad authorized by the first section of this
13 act.

SECT. 3. The existence and charter of said corporation,
2 with all the powers, privileges, immunities, duties, and
3 liabilities conferred by all said acts, subject to the provi-
4 sions of this act, are hereby recognized, extended, re-
5 newed, ratified and confirmed.

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

Amend by adding the following after the words, in the 1st section, "to which the international Railway of Canada is now built." 'But instead of the route herein granted, the said International R. R. Co. shall use the line of the B. & P. R. R. Co. from its terminus at Moosehead Lake to a point in Milo, and thence by the most feasible route to its line above granted, upon such terms for use, lease or purchase as hereinafter provided, if the said B. & P. R. R. Co. can be made to conform in its grade and curves to the requirements of the act of the Dominion of Canada. And for the purpose of ascertaining if said B. & P. R. R. can be made to conform to such grades and curves, the Governor, upon the petition of the B. & P. R. R. and at their expense, shall appoint a commission of three competent engineers, who shall determine what changes shall be required in the B. & P. R. R. And the terms of use, lease or purchase shall be agreed upon by the International and B. & P. R. R., and in case of failure to so agree shall be determined by the Railroad Commissioners or by seven commissioners appointed by the chief justice of the supreme court as the International R. R. Co. may elect, and if said B. & P. R. R. shall not accept the decision of said commissioners, said International R. R. Co. shall not be required to use any part of the B. & P. R. R. Co.'s road, but if such decision is accepted, contract shall be made between the two companies, and all changes of grade and curvature shall be made by said International R. R. Co.; and in fixings the terms of contract the commissioners may take into consideration the cost of such changes.

The undersigned, a minority of the Committee on Railroads, Telegraphs and Expresses, to which was referred the Bill entitled "An Act to amend chapter five hundred and forty-one of the Private Laws of eighteen hundred and seventy-one, entitled 'An Act to incorporate the Penobscot and Lake Megantic Railroad Company,' as amended by chapter sixty-five of the Private Laws of eighteen hundred and eighty-one, and as farther amended by chapter four hundred and three of the Private Laws of eighteen hundred and eighty-five," is unable to agree with the majority of the Committee in their report upon said bill and begs leave to report an amendment to the same, which is herewith submitted with a new draft of the bill with the amendments incorporated therein.

Per order J. G. CLARK of Bangor.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES. }
March 9, 1887. }

Tabled and ordered printed, pending acceptance of report, on motion
of Mr. CLARK of Bangor.

NICHOLAS FESSENDEN, Clerk.