

MAINE STATE LEGISLATURE

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Sixty-Fourth Legislature.

HOUSE.

No. 29.

STATE OF MAINE.

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

AN ACT to incorporate the Brunswick Electric Railroad Company.

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

SECTION 1. Charles B. Story, Frederick H. Wil-
2 son, John P. Winchell, George E. Woodbury and
3 Frank C. Webb, their associates and successors,
4 are hereby constituted a corporation by the name
5 of the Brunswick Electric Railroad Company,
6 with authority to construct, maintain, and use a
7 railroad to be operated by animal, steam, or electric
8 power, with convenient single or double tracks,
9 within the towns of Brunswick and Harpswell, in
10 the county of Cumberland, and Topsham, in the

11 county of Sagadahoc; *provided, however*, that all
12 tracks of said railroad shall be laid at such dis-
13 tances from the sidewalks of said towns as the
14 municipal officers thereof, respectively, determine
15 to be for public safety and convenience. Said cor-
16 poration may from time to time fix such rates of
17 compensation for transporting persons or property,
18 as it may deem expedient, and generally, shall
19 have all the powers and be subject to all the liabili-
20 ties of corporations as set forth in the forty-sixth
21 chapter of the Revised Statutes and amendments
22 thereto. If the use of the streets, roads, or high-
23 ways occupied by said company's railroad is
24 granted by the municipal officers of either of said
25 towns to any other corporation or person, it shall
26 be upon condition that such corporation or person
27 shall purchase of said company all its property of
28 every description in necessary use for the purposes
29 of said railroad, upon such terms as may be agreed
30 upon by the parties, or determined by persons
31 selected by them; and if they are unable to agree,
32 the value of the same shall be determined by three
33 disinterested men appointed by a judge of the
34 Supreme Judicial Court, on application of either
35 party and hearing thereon. Said appraisers shall
36 be sworn, give notice of the time and place of

37 their meeting to examine and appraise said prop-
38 erty, and shall make to each party a written re-
39 ward, and their services shall be paid for in equal
40 proportion by the parties.

SECT. 2. Said railroad shall be occupied and used
2 by said corporation with animal steam, or electric
3 power only. The municipal officers of each of
4 said towns shall have power at all times to make
5 all such regulations valid and binding within the
6 limits of their town only, as to the rate of speed of
7 cars or trains and removal of snow and ice from
8 the streets, roads and highways from and alongside
9 of its track by said company at its expense as the
10 public convenience and safety may require.

SECT. 3. Said corporation shall keep and main-
2 tain in repair, such portion of the streets, town or
3 county roads as shall be occupied by the tracks of
4 its railroad, and shall make all other repairs of
5 said streets or roads which may be rendered neces-
6 sary by the occupation of the same by said railroad,
7 and if not repaired upon reasonable notice, such
8 repairs may be made by the town in which the
9 necessity exists, at the expense of said corporation,
10 and said town may recover all expenses in an
11 action of money paid for the use of said railroad

12 company. Said corporation shall be liable for any
13 loss or damage which any person may sustain by
14 reason of any carelessness, neglect or misconduct
15 of its agents or servants or by reason of any
16 defect in so much of said streets or roads as is
17 occupied by said railroad if such defect arises from
18 neglect or misconduct of the corporation, its ser-
19 vants or agents; and in actions brought against the
20 company to recover damages by reason of such
21 defects, the plaintiff shall have the rights and be
22 subject to the burdens of proof and limitations and
23 conditions provided by the general statutes appli-
24 cable to suits for such causes against towns, the
25 directors of said company standing in this respect
26 in place of town officers.

SECT. 4. If any person shall wilfully and malici-
2 ously obstruct said corporation in the use of its road
3 or tracks, or the passing of cars or carriages of said
4 corporation thereon, such person and all who shall
5 aid and abet therein shall be fined not exceeding two
6 hundred dollars or imprisoned in a county jail not
7 exceeding sixty days.

SECT. 5. The capital stock of said company shall
2 not exceed two hundred thousand dollars, to be
3 divided into shares of fifty dollars each, and no
4 share shall be issued for less than the par value,

5 or be liable to assessment by the corporation.

SECT. 6. Said corporation may purchase and
2 hold such real estate as may be necessary and con-
3 venient for the purposes and management of said
4 railroad.

SECT. 7. If the location of said company's rail-
2 road crosses any steam railroad, the manner and
3 terms of crossing shall be determined by the rail-
4 road commissioners before the construction of the
5 railroad built under this charter, at such crossing.

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

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

SECT. 10. Said corporation may issue bonds for
2 the purpose of constructing its railroad, or for re-
3 funding, or for money which it may borrow for
4 any purpose sanctioned by law, but the bonds so
5 issued shall not exceed the amount of capital stock
6 paid in at the time of the issue by the stock-

7 holders. Said bonds may be issued in sums not
8 less than one hundred dollars each, payable in not
9 more than twenty years from their date, with in-
10 terest 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
4 issued. All bonds and notes which shall be issued
5 by said corporation shall be binding and collect-
6 able in law, notwithstanding they may be negoti-
7 ated and sold by such corporation or its agents at
8 less than their par value.

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

SECT. 13. A way for said corporation may be
2 laid out in either town under the general statutes
3 which make provision for the laying out and estab-
4 lishment of private ways; and all the provisions of
5 said general statutes, including those relative to the
6 ascertainment and payment of damages, shall be
7 applicable.

SECT. 14. Sections fourteen and thirty-two, and
2 the intervening sections, and sections thirty-six,
3 thirty-seven, thirty-eight and thirty-nine of chapter

4 fifty-one of the Revised Statutes are applicable and
5 available to the corporation created by this act.

SECT. 15. Chapter two hundred and forty-five
2 of the Private and Special laws of eighteen hundred
3 and eighty-seven are hereby repealed.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
January 24, 1889. }

Tabled, pending third reading and ordered printed on motion of Mr
CLARK of Bangor.

NICHOLAS FESSENDEN, *Clerk.*