

# MAINE STATE LEGISLATURE

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# Sixty-Fourth Legislature

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HOUSE.

No. 226.

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## STATE OF MAINE.

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

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AN ACT to incorporate the Gardiner and Randolph Railroad  
Company.

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

SECTION 1. Joseph S. Bradstreet, Henry Richards,  
2 Philip H. Holmes, Arthur L. Berry, Wm. H. Moore,  
3 Geo. W. Heselton, their associates, successors and  
4 assigns, are hereby constituted a corporation by the name  
5 of the Gardiner and Randolph Railroad Company, with  
6 authority to construct, maintain and use a horse railroad  
7 to be operated by horse power, with convenient single or  
8 double tracks, from such point in the city of Gardiner,  
9 upon and over such streets therein, as shall from time to  
10 time be fixed and determined by the municipal officers of  
11 said city of Gardiner, and assented to in writing by said  
12 corporation, to the boundary line between said city and  
13 the town of Randolph, and thence upon and over such

14 streets, town and county roads in said town of Randolph  
15 as from time to time may be fixed and determined by the  
16 municipal officers of said town of Randolph, and assented  
17 to in writing by said corporation; said corporation shall  
18 also have authority to construct, maintain and use said  
19 railroad over and upon any lands where the land damages  
20 have been mutually settled by said corporation and the  
21 owners thereof; provided, however, that all tracks of  
22 said railroad shall be laid at such distances from the  
23 sidewalks of said city of Gardiner and town of Randolph  
24 as the municipal officers thereof respectively, shall in  
25 their order fixing the routes of said railroad, determine to  
26 be for public safety and convenience. The written assent of  
27 said corporation to any vote or votes of the municipal of-  
28 ficers of either of said city or town, prescribing from time  
29 to time the routes of said railroad, shall be filed with the  
30 respective clerks of said city and town and shall be taken  
31 and deemed to be the locations thereof. Said corporation  
32 shall have power, from time to time, to fix such rates of  
33 compensation for transporting persons or property, as it  
34 may think expedient, and generally shall have all the  
35 powers and be subject to all the liabilities of corporations,  
36 as set forth in the forty-sixth chapter of the Revised  
37 Statutes.

SECT. 2. Said railroad shall be operated and used by  
2 said corporation with animal or electrical power. The  
3 municipal officers of said city of Gardiner and town of  
4 Randolph, respectively, shall have power at all times, to  
5 make all such regulations as to the rate of speed and  
6 removal of snow and ice from the streets, roads and  
7 highways, by said company at its expense, and mode of

8 use of the tracks of said railroad within said city or town,  
9 as the public convenience and safety may require.

SECT. 3. Said corporation shall maintain and keep in  
2 repair such portions of the streets or roads as shall be  
3 occupied by the tracks of its railroad, and shall make all  
4 other repairs of said streets or roads which may be  
5 rendered necessary by the occupation of the same  
6 by said railroad; and if the cars of said corporation are  
7 drawn by animals, excepting when the rails are covered  
8 by snow or ice, said corporation shall lay such pavings  
9 as may be required by the city councils of said city, or  
10 municipal officers of said town.

And said corporation shall be liable for any loss or  
12 damage which any person may sustain by reason of any  
13 carelessness, neglect or misconduct of its agents or  
14 servants, or of any obstructions by them placed in the  
15 street or roads of said city or town, and shall save and  
16 hold said city and town harmless from any suits for such  
17 loss or damage. Said corporation shall not cut, injure or  
18 destroy any shade trees in said streets or roads.

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

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

SECT. 6. Said corporation shall have the power to  
2 lease, purchase or hold such real and personal estate as  
3 may be necessary and convenient for the purposes and  
4 management of said railroad.

SECT. 7. Said railroad shall be constructed and main-  
2 tained in such form and manner, and with such rail, and  
3 upon such grade as the municipal officers of said city and  
4 town, respectively, shall from time to time prescribe and  
5 direct; and whenever in the judgment of said corpora-  
6 tion, it shall be necessary to alter the grade of any street,  
7 town or county road, said alterations may be made at the  
8 sole expense of said corporation, provided the same shall  
9 be assented to, by the municipal officers of said city and  
10 town, respectively. If the tracks of said company's rail-  
11 road cross any other railroad of any kind, in either said  
12 city or town, and a dispute arises in any way in regard to  
13 the manner of crossing, the board of railroad com-  
14 missioners of the state shall upon hearing, decide and  
15 determine in writing, in what manner the crossing shall  
16 be made, and it shall be constructed accordingly.

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

SECT. 9. 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 capital stock.

SECT. 10. No other corporation or person shall be permitted to construct or maintain any railroad, for similar purposes, over the same streets as may be lawfully occupied by this corporation, but any person or corporation lawfully operating any horse or electrical 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, or, if they shall not agree, to be determined by the railroad commissioners of the state of Maine.

SECT. 11. The original location of the route when granted shall be for the term of twenty-five years. The same may be renewed from time to time.

SECT. 12. 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.

SECT. 13. Said road shall not be taken or deemed to be a railroad within the meaning of that term, as used in the public laws of this state, but shall have all the rights and be subject to all the liabilities of horse railroads within this state.

SECT. 14. This act shall take effect when approved.



STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
February 21, 1889. }

Tabled pending third reading, and ordered printed on motion of Mr.  
HILL of Augusta.

NICHOLAS FESSENDEN, *Clerk.*