

MAINE STATE LEGISLATURE

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Sixty-Fourth Legislature.

HOUSE.

No. 227.

STATE OF MAINE.

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

AN ACT to incorporate the Augusta, Hallowell and Gardiner Railroad Company.

SECTION 1. Amos F. Gerald, Henry G. Staples, J.
2 Manchester Haynes, Chas. W. Tilden, John W. Berry,
3 and Geo. E. Macomber, their associates, successors and
4 assigns, are hereby constituted a corporation by the name
5 of "The Augusta, Hallowell and Gardiner Railroad Com-
6 pany," with authority to construct, maintain and use a
7 railroad, to be operated by animal or electrical power,
8 with convenient single or double tracks, and to erect
9 poles and place wires for the same from such points in
10 said cities of Augusta and Hallowell, and through the town
11 of Farmingdale, and upon and over such streets and roads
12 therein, as may from time to time be fixed and deter-
13 mined by the municipal officers of said cities and town,
14 and assented to in writing by said corporation, to the north
15 line of the city of Gardiner, and thence upon and over

16 Maine street, otherwise called Causway street, in said
17 Gardiner, to such point in Depot square as the municipal
18 authorities may designate. Said corporation shall have
19 authority to construct, maintain and operate said railroad
20 over and upon any lands where the land damages have
21 been mutually settled between said corporation and the
22 owners thereof; *provided, however*, that all tracks of said
23 railroad shall be laid at such distance from the sidewalks
24 of said town of Farmingdale and said cities of Augusta,
25 Hallowell and Gardiner, as the respective municipal
26 officers thereof shall, in their order fixing the route of
27 said railroad, determine to be for public safety and con-
28 venience. The written consent of said corporation to any
29 vote or votes of said cities and town, prescribing, from
30 time to time, the routes of said railroad, shall be recorded
31 with the respective clerks of said cities and town, and
32 shall be deemed to be the location thereof.

Said corporation shall have the power, from time to
34 time, to fix such rates of compensation for transportation
35 of persons and property as it may deem expedient, and
36 generally shall have all the powers, and be subject to all
37 the liabilities of corporations as set forth in the 46th
38 chapter of the Revised Statutes.

Said corporation shall at all times maintain a suitable
40 conveyance for passengers at reasonable hours, and when
41 not expedient to operate said road by electricity, said
42 cars shall be propelled by animal power.

SECT. 2. Said railroad shall be operated and used by
2 said corporation with animal or electrical power. The
3 municipal officers of said town of Farmingdale, and the
4 municipal officers of said cities of Augusta, Hallowell and

5 Gardiner, respectively, shall have power at all times, to
6 make all such regulations, as to the rate of speed, and
7 removal of snow and ice from the streets, roads and high-
8 ways, by said company at its expense, and mode of use
9 of the tracks of said railroad within said cities or towns,
10 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 railroads, and shall make all
4 other repairs of said streets or roads which may be
5 rendered necessary by the occupation of the same by said
6 railroad; and if the cars of said corporation are drawn by
7 animals, excepting when the rails are covered by snow or
8 ice, said corporations shall lay such pavings as may be re-
9 quired by the city councils of said cities, or municipal
10 officers of said town. And said corporation shall be liable
11 for any loss or damage which any person may sustain by
12 reason of any carelessness, neglect or misconduct of its
13 agents or servants, or of any obstruction by them placed
14 in the streets or roads of said cities or town, and shall
15 save and hold said cities and towns harmless from any
16 suits for such loss or damage. Said corporation shall not
17 cut, injure or destroy any shade or ornamental trees in
18 said streets or roads.

SECT. 4. If any person shall wilfully, or maliciously,
2 obstruct said corporation in the use of its roads or tracks,
3 or the passing of the cars, or carriages of said corporation
4 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 term not exceeding sixty days.

SECT. 5. The capital stock of said corporation shall not
2 exceed two hundred and fifty thousand dollars, to be di-
3 vided into shares of one hundred dollars each.

SECT. 6. Said corporation shall have the power to lease,
2 purchase and hold such real and personal estate and power
3 as 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 rails and
3 other appliances, as may be deemed necessary by the cor-
4 poration, and upon such grades, as the municipal officers
5 of said town and cities, respectively, shall from time to
6 time prescribe and direct; and whenever, in the judgment
7 of said corporation, it shall be necessary to altar the
8 grade of any street, city, or county road, said alterations
9 may be made at the sole expense of said corporation, pro-
10 vided the same shall be assented to by the municipal
11 officers of said cities and town respectively. If the
12 tracks of said company's railroad, cross any other rail-
13 road, of any kind, in either of said cities or town, and a
14 dispute arises in any way, in regard to the manner of
15 crossing; the board of railroad commissioners of the
16 State, shall upon hearing both parties, decide and de-
17 termine in writing, in what manner the crossing shall be
18 made, and it shall be constructed accordingly.

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

SECT. 9. Said corporation is hereby authorized to issue
 2 bonds for the purpose of building its railroad, or for any
 3 money which it may borrow for any purpose sanctioned
 4 by law ; but the bonds so issued shall not exceed the
 5 amount of capital stock. Said bonds may be issued in
 6 sums not less than one hundred dollars each, payable not
 7 more than twenty years from that date, with interest at
 8 the rate of six per cent, payable semi-annually. All
 9 bonds which shall be issued by said company, shall be
 10 binding and collectable in law, notwithstanding such
 11 bonds may be negotiated and sold by said corporation, or
 12 its agents, at less than their par value. Said bonds shall
 13 be secured by a conveyance of the corporate property and
 14 franchise to three trustees, by a suitable instrument of
 15 mortgage, to secure the payment of the bonds.

SECT. 10. No other corporation or person shall be per-
 2 mitted to construct or maintain any railroad for similar
 3 purposes over the same streets as may be lawfully occu-
 4 pied by this corporation, but any person or corporation
 5 lawfully operating any similar railroad, to which this cor-
 6 poration's tracks extend, may enter upon, connect with,
 7 and use the same, on such terms and in such manner as
 8 may be agreed upon between the parties ; or, if they shall
 9 not agree, to be determined upon by the railroad com-
 10 missioners of the State of Maine.

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

SECT. 12. The first meeting of said corporation may be
 2 called by any two of said corporators, giving actual notice
 3 in writing to their several associates, and said corporation

4 may make such by-laws as are proper and not contrary
5 to the laws of the State.

SECT. 13. The main line of said railroad, from said
2 Augusta to its terminus in said Gardiner, shall be con-
3 structed and completed within two years from the approval
4 of this act, otherwise this charter shall be void, so far as
5 relates to the town of Farmingdale and the city of Gardiner.

SECT. 14. Said railroad shall not be deemed to be a
2 railroad within the meaning of that term as used in the
3 Revised Statutes and Public Laws of the State, but shall
4 have all the rights and be subject to all the liabilities,
5 restrictions of kindred railroads within the State.

SECT. 15. This act shall take effect when approved.

AUGUSTA, February 19, 1889.

Having duly considered the foregoing bill, I see no
objection to the same, so far as the interests of the city of
Augusta are concerned, and therefore give my approval of
the same.

A. M. GODDARD, *Solicitor of City of Augusta.*

HALLOWELL, February 19, 1889.

Having examined the foregoing bill, I have no objections
as far as the city is concerned.

M. L. SPEAR, *Solicitor of the City of Hallowell.*

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 21, 1889. }

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

NICHOLAS FESSENDEN, *Clerk.*