

# MAINE STATE LEGISLATURE

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# Sixty-Fourth Legislature.

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HOUSE.

No. 229.

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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 Old Town Street Railway Company.

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

SECTION 1. Joseph L. Smith, James Weymouth, F. O. 2 Beal, Albert O. Brown, James W. Sewall, William T. 3 Pearson and William Engel, and their associates and 4 successors, are hereby constituted a corporation by the 5 name of the Old Town Street Railway Company, with 6 authority to construct, maintain and use a street railway, 7 to be operated by electricity or animal power, with con- 8 venient single or double tracks, switches or turnouts, 9 with any necessary or convenient lines of poles, wire, 10 appliances and appurtenances and conduits, from such 11 points in said town of Old Town, upon and over such 12 streets therein as shall from time to time be fixed and de- 13 termined by the municipal officers of the said town of Old

14 Town, and assented to in writing by said corporation, to  
15 Upper Stillwater village and to West Greatworks village,  
16 except said company shall not locate upon or occupy the  
17 road-bed and location of the Bangor, Oldtown & Milford  
18 Railroad, so called. Said corporation shall also have  
19 authority to construct, maintain and use said railroad over  
20 and upon any lands where the land damages have been  
21 mutually settled by said corporation and the owners  
22 thereof; *provided, however*, that all the tracks of said  
23 railroad shall be laid at such distances from the sidewalks  
24 of said town as the municipal officers of said town shall,  
25 in their order fixing the route of said railroad, determine  
26 to be for public safety and convenience. The written  
27 assent of said corporation to any vote or votes of the  
28 municipal officers of said town, prescribing from time to  
29 time the routes of said railroad, shall be filed with the  
30 clerk of said town, and shall be taken and deemed to be  
31 the locations thereof. Said corporation shall have power  
32 from time to time to fix such rates of compensation for  
33 transporting persons or property as it may think ex-  
34 pedit, and generally shall have all the powers and be  
35 subject to all the liabilities of corporations, as set forth in  
36 the forty-sixth chapter of the Revised Statutes.

SECT. 2. The municipal officers of said town, shall  
2 have power at all times, to make all such regulations as  
3 to the rate of speed and removal of snow and ice from the  
4 streets, roads and highways by said company at its expense,  
5 and mode of use of the tracks of said railroad within said  
6 town, as the public convenience and safety may require.

SECT. 3. All acts required by this act to be done by  
2 said corporation, may be delegated by said corporation to  
3 its board of directors.

SECT. 4. Said corporation shall keep and maintain in  
 2 repair, such portions of the streets, town or county roads,  
 3 as shall be occupied by the tracks of its railroad,  
 4 and shall make all other repairs of said streets or  
 5 roads, which in the opinion of the municipal officers of  
 6 said town, may be rendered necessary by the occupa-  
 7 tion of the same by said railroad, and if not repaired  
 8 upon reasonable notice, such repairs may be made by  
 9 city or towns, respectively, at the expense of said  
 10 corporation.

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

SECT. 6. The capital stock of said corporation shall not  
 2 exceed one hundred thousand dollars, to be divided into  
 3 shares of fifty dollars each.

SECT. 7. Said corporation shall have the power to  
 2 lease, purchase or hold such real or personal estate as may  
 3 be necessary and convenient for the purposes and manage-  
 4 ment of said railroad.

SECT. 8. Said railroad shall be constructed and main-  
 2 tained in such form and manner, and with such rails, and  
 3 upon such grade as the municipal officers of said town  
 4 may direct, and whenever in the judgment of said corpor-  
 5 ation it shall be necessary to alter the grade of any street,  
 6 town or county road, said alterations may be made at the  
 7 sole expense of said corporation, provided, the same shall

8 be assented to by the municipal officers of said town, but  
9 said corporation shall not be liable to any abutting land  
10 owners for any alteration of grade. If the tracks of said  
11 corporation's railroad cross any other railroad of any  
12 kind, in said city, or in either of said towns, and a dispute  
13 arises in any way in regard to the manner of crossing,  
14 the board of railroad commissioners of the State shall,  
15 upon hearing, decide and determine in writing in what  
16 manner the crossing shall be made, and it shall be con-  
17 structed accordingly.

SECT. 9. Said corporation may change the location of  
2 said railroad, at any time, by first obtaining the written  
3 consent of the municipal officers of said town, and to make  
4 additional locations subject to the foregoing provisions and  
5 conditions.

SECT. 10. Nothing in this act shall be construed to  
2 prevent the proper authorities of said town from entering  
3 upon and taking up any of the streets, town and county  
4 roads, occupied by said railroad, for any purpose for  
5 which they may now lawfully take up the same.

SECT. 11. No other corporation or person shall be  
2 permitted to construct or maintain any railroad, for  
3 similar purposes over the same streets, roads or ways,  
4 that may be lawfully occupied by this corporation, but  
5 any person or corporation lawfully operating any horse  
6 railroad, to any point to which this corporation's tracks  
7 extend, may enter upon, connect with and use the same,  
8 on such terms and in such manner as may be agreed  
9 upon between the parties, or if they shall not agree, to  
10 be determined by the railroad commissioners of the state  
11 of Maine.

SECT. 12. Said road shall not be taken or deemed to be  
 2 a railroad, within the meaning of that term, as used in the  
 3 public laws of this state, but shall have all the rights and  
 4 be subject to all the liabilities of horse railroads within  
 5 this state.

SECT. 13. Said corporation is hereby authorized to  
 2 issue bonds in such amount and on such time as it may  
 3 from time to time determine, in aid of the purposes  
 4 specified in this act, and to secure the same by a mortgage  
 5 of its franchises and property. It is also hereby authorized  
 6 to lease all of its property and franchises, upon such terms  
 7 as it may determine.

SECT. 14. The first meeting of said corporation shall  
 2 be called in the manner provided in the Revised Statutes,  
 3 chapter forty-six, section three.

SECT. 15. Said corporation shall not be required to  
 2 run cars upon their road during the winter season, nor  
 3 when the convenience and wants of the public do not  
 4 require it, and said corporation are permitted to run at  
 5 their pleasure omnibuses instead of rail cars.

SECT. 16. 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.  
ENGEL of Bangor.

NICHOLAS FESSENDEN, *Clerk.*