

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING THE SESSION

A. D. 1891.



AUGUSTA:
BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1892.

Sixty-Fifth Legislature.

SENATE.

No. 22.

STATE OF MAINE.

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

AN ACT to authorize Bangor Street Railway to con-
struct a Bridge across Penobscot River.

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

SECTION 1. Bangor Street Railway, its suc-
2 cessors and assigns, are hereby authorized and
3 empowered to construct and forever maintain a
4 bridge with suitable piers across the Penobscot
5 river between Bangor and Brewer from a point in
6 Bangor opposite, or nearly opposite, the intersec-
7 tion of Pine street and Washington street to a
8 point in Brewer opposite, or nearly opposite, the

9 intersection of Penobscot street and Centre street;
10 and said railway, its successors and assigns, shall
11 have and enjoy all the powers and privileges, and
12 be subject to all the liabilities, incident to, or
13 usually granted to, or imposed upon, bridge cor-
14 porations.

SECT. 2. Said bridge shall be constructed of iron
2 or steel; shall be not less than twenty-four (24)
3 feet wide, exclusive of sidewalks; shall have a draw
4 not less than thirty (30) feet wide for the passage
5 of vessels, located as nearly in line with the draws
6 in the bridges of Bangor Bridge Company and
7 Eastern Maine Railway Company as may be prac-
8 ticable; and shall be so constructed as to permit
9 the free passage of logs, rafts, lumber, scows and
10 boats.

Said corporation shall cause said draw to be
12 opened for the accommodation of all vessels that
13 may have occasion to pass through the same free
14 of expense.

SECT. 3. Said Bangor Street Railway shall for-
2 ever have the right at all times to cross said bridge
3 with its cars, and shall so construct said bridge as
4 that it may be conveniently and safely traversed by
5 vehicles and foot passengers. Its Directors shall
6 have the right to establish tolls for the use of said

7 bridge not exceeding in rate the tolls now by law
8 permitted to be charged by the Bangor Bridge
9 Company.

SECT. 4. Said Bangor Street Railway may take
2 and hold by purchase or otherwise, any real estate
3 in Bangor or Brewer which may be reasonably
4 necessary for the location and construction of said
5 bridge, and generally to effect the purposes of this
6 Act, including land for suitable approaches to said
7 bridge from Washington street in Bangor to said
8 river, and from Penobscot street in Brewer to said
9 river, and sufficient land in both or either of said
10 cities for convenient toll houses.

If said Bangor Street Railway and the owner or
12 owners of such real estate cannot agree upon the
13 price to be paid therefor, the value of the real
14 estate so taken shall be determined by the County
15 Commissioners of Penobscot county on petition of
16 either party. Damages and values shall be esti-
17 mated and assessed as in the case of laying out of
18 highways, and from the award of the County
19 Commissioners either party may appeal to the
20 Supreme Judicial Court.

SECT. 5. Said railway, its successors and
2 assigns, shall keep an accurate account of the
3 expenses of construction, operation, maintenance

4 and repairs upon said bridge, and of the earnings
5 of the same, and shall have the right, after paying
6 from the tolls received for the use thereof the
7 expenses of operation, maintenance and repairs of
8 said bridge, to retain for its own use semi-annually
9 a sum equal to semi-annual interest at the rate of
10 six (6) per centum per annum upon the cost of
11 said bridge. All sums received from tolls in
12 excess of the cost of operation, maintenance, repairs
13 and interest at the rate of six (6) per centum per
14 annum computed semi-annually upon the cost of
15 said bridge, shall be credited upon the cost of con-
16 struction of said bridge, and when said railway
17 shall have received from the earnings of said bridge
18 the full amount of the cost of the construction of said
19 bridge and semi-annual interest thereon at the rate
20 of six (6) per centum per annum, together with the
21 cost of its proper operation, maintenance and
22 repairs, said bridge shall become the property of
23 the county of Penobscot, which county shall there-
24 after maintain the same, and said railway shall
25 release to said county all its interest therein by a
26 sufficient deed of release.

SECT. 6. The county of Penobscot and the cities
2 of Bangor and Brewer, or either or any of said
3 municipalities, may at any time take said bridge

4 upon payment to said railway, its successors or
5 assigns, of the full cost of said bridge and appur-
6 tenances with interest thereon at the rate of six
7 (6) per centum per annum computed semi-annually,
8 together with the cost of operation, maintenance and
9 repairs thereof, less the amounts received by said
10 railway from the earnings of said bridge.

SECT. 7. Said Bangor Street Railway is author-
2 ized to issue its bonds, in such amount as may to
3 the Directors of said railway seem necessary, to
4 provide funds for the construction of said bridge,
5 and may secure the payment of the bonds so issued
6 by a mortgage deed of said bridge, its franchise and
7 its appurtenances to such trustee as the said Direc-
8 tors may appoint.

SECT. 8. The net receipts of said railway from
2 tolls collected for passage over said bridge, after
3 deducting therefrom a sum sufficient to pay the
4 expenses of maintenance, operation, repairs and
5 interest as aforesaid, shall be constituted by said rail-
6 way a sinking fund to pay and redeem said bonds at
7 or before their maturity.

SECT. 9. Whenever the right of taking said
2 bridge shall be exercised by the municipalities named
3 in section six, as provided in said section, the amount
4 of the bonds outstanding and secured by mortgage

5 of said bridge, if any, shall be deducted from the
6 price to be paid by said municipalities therefor, and
7 said municipalities shall assume and pay the interest
8 upon said bonds as the same may accrue and the
9 principal of said bonds as they mature.

SECT. 10. Said bridge shall be completed and
2 opened for travel within five (5) years from the
3 approval of this Act, or this Act shall be void, and
4 if said bridge shall be completed within said term
5 of five years said railway, its successors and assigns,
6 may forever cross the same with its cars free of all
7 expense, anything in this Act to the contrary not-
8 withstanding.

SECT. 11. This act shall take effect when
2 approved.

STATE OF MAINE.

IN SENATE, January 30, 1891.

Presented by Mr. THATCHER of Penobscot; and on motion by Mr. MOORE of Cumberland, laid on table to be printed, pending reference to the Committee on Railroads, Telegraphs and Expresses.

KENDALL M. DUNBAR, *Secretary.*