

# MAINE STATE LEGISLATURE

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# Sixty-Sixth Legislature.

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HOUSE.

No. 20.

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## STATE OF MAINE.

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

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AN ACT to incorporate the Auburn, Turner and Liver-  
more Railroad Company.

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

SECTION 1. B. F. Briggs, W. W. Stetson, A. M.  
2 Penley, J. W. Mitchell, J. R. Learned, W. G. Lowell,  
3 George G. Gifford, George E. Davis, H. W. Oakes, Elisha  
4 Pratt, Jesse M. Libby, John Harper, E. T. Gile, D. W.  
5 Verrill, Charles L. Cushman, M. B. Watson, George E.  
6 McCann, A. E. Verrill, A. B. Latham, E. C. Douglass,  
7 Ansel Briggs, George W. Soule, W. B. Beals, F. T.  
8 Faulkner, S. W. Carey, J. F. Quimby, L. A. Farrar, R.  
9 D. Leavitt, Aubrey Leavitt, E. L. Bradford, their asso-  
10 ciates, successors and assigns are hereby created a corpo-  
11 ration by the name of the Auburn, Turner and Livermore

12 Railroad Company with authority to construct, equip,  
13 maintain and use a railroad to be operated by electrical  
14 or other motive power except locomotive steam power,  
15 with convenient, single and double tracks, side-tracks,  
16 switches, turnouts and stations and to erect poles and  
17 place wires for the same the same for the conveyance of per-  
18 sons and property from such point or points in the city of  
19 Auburn to such point or points in said city and to such  
20 point or points in the towns of Turner and Livermore and  
21 upon and over such streets, town roads and highways in  
22 said city of Auburn and in said towns of Turner and  
23 Livermore as said corporation may from time to time  
24 determine subject to the approval of the municipal officers  
25 of said city of Auburn and said towns of Turner and  
26 Livermore.

Said corporation shall have authority to construct, main-  
28 tain and operate said railroad over and upon any lands  
29 which it may acquire by purchase, or which may be taken  
30 and condemned by said corporation as for public use, in  
31 the manner provided in the general statutes of this State  
32 relating to steam railroads. Said corporation shall before  
33 commencing the construction of said railroad, file with  
34 the city clerk of said city of Auburn and the town clerks  
35 of said towns of Turner and Livermore, a plan of so  
36 much of the proposed location of said railroad as shall be  
37 within said city and towns respectively, and shall, within  
38 seven days after such filing cause notice of the same to  
39 be published in some newspaper, if any, published in  
40 said city of Auburn, and some newspaper, if any, pub-  
41 lished in the town of Turner or Livermore. Said plan  
42 shall remain on file in the offices of said clerks, open to

43 public inspection, for the space of thirty days from and  
44 after the publication of such notice, and if no written  
45 objections to any portion of said location are filed with  
46 the clerk of the city or town through or into which such  
47 portion of said location extends, within said time, said  
48 plan may be approved by the municipal officers of said  
49 city and towns, respectively, without further notice or  
50 hearing. If such objections are so filed, the municipal  
51 officers of the city or town within which the part of said  
52 location objected to lies, shall fix a time and place for a  
53 hearing upon such objections, and shall leave at the prin-  
54 cipal office of said corporation a written notice of such  
55 time and place, accompanied by a copy of such objec-  
56 tions, at least ten days before the time appointed for such  
57 hearing, and shall cause a similar notice to be served  
58 upon the person or persons filing said objections, and  
59 after hearing the parties may approve or disapprove such  
60 location and such location, when approved, shall be the  
61 location of said railroad. Said municipal officers may  
62 determine the distance at which any portion of said rail-  
63 road proposed to be constructed lengthwise upon and  
64 over any street, town road or county way within their  
65 respective towns shall be laid from the sidewalks thereon ;  
66 and such determination and their approval of the plans  
67 aforesaid shall be in writing and signed by a majority of  
68 such municipal officers, and shall be recorded by the  
69 clerks of the respective towns. Any interested person  
70 or corporation who is aggrieved by any decision of the  
71 municipal officers of any city or town in respect to any  
72 matters arising under this act, may appeal to and have  
73 such matters determined by the Board of Railroad Com-

74 missioners of the State, in the manner hereinafter pro-  
75 vided. Such appellant shall within thirty days after such  
76 decision, file with the clerk of such city or town, a writ-  
77 ten notice of appeal, stating his reasons therefor; and  
78 such clerk shall, upon receipt of such notice of appeal,  
79 forthwith forward a certified copy thereof to the railroad  
80 commissioners. Upon receipt of such copy, said com-  
81 missioners shall order such notice of a time and place for  
82 hearing thereon as they deem reasonable and proper, to  
83 be given by the appellant at his expense; and after hear-  
84 ing the parties, shall certify decision upon said appeal in  
85 writing to the clerk of such city or town for record; and  
86 such decision when so made and recorded, shall be final  
87 in the premises.

Said corporation shall have the power from time to time  
89 to fix such rates of compensation for transportation of  
90 persons and property as it may deem expedient, and gen-  
91 erally have all the powers and be subject to all the liabil-  
92 ities of corporations, as set forth in the forty-sixth chap-  
93 ter of the Revised Statutes.

SECT. 2. Such corporation shall maintain and keep in  
2 repair such portion 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 ren-  
5 dered necessary by the occupation of the same by said  
6 railroad, and if such repairs are not made by said corpo-  
7 ration upon reasonable notice, they may be made by said  
8 towns within their respective limits, and the cost thereof  
9 may be recovered from said corporation in an action of  
10 assumpsit. Said corporation shall be liable for any loss  
11 or damage which any person may sustain by reason of any

12 carelessness, neglect or misconduct of its agents or ser-  
13 vants, or of any obstruction unlawfully placed by them  
14 in the streets or roads of said city or towns, and shall  
15 save and hold said city and towns harmless from any  
16 claims or suits for such damage. And in all actions  
17 brought against said corporation to recover damages by  
18 reason of any defect in the condition of any street or road,  
19 occasioned by the occupation of such street or road by  
20 such railroad, or by any carelessness, neglect or miscon-  
21 duct of the agents or servants of said corporation, or by  
22 any obstruction unlawfully placed by them upon such  
23 street or road, the plaintiff shall have the rights and be  
24 subject to the burdens of proof and conditions and limit-  
25 ations provided in the general statutes applicable to suits  
26 for such causes against towns as now existing, the direc-  
27 tors of such company standing in this respect in the place  
28 of town officers.

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

SECT. 4. If any person shall wilfully or maliciously,  
2 obstruct said corporation in the use of its roads, tracks or  
3 property, or the passing of the cars, or carriages of said  
4 corporation thereon, such person, and all who shall aid  
5 and abet therein, shall be punished by a fine not exceed-

6 ing two hundred dollars, or may be imprisoned in the  
7 county jail for a term not exceeding sixty days.

SECT. 5. 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 towns may direct; and whenever in the judgment  
6 of said corporation it shall be necessary to alter the grade  
7 of any street, city or county road, said alterations may be  
8 made at the sole expense of said corporation, provided,  
9 the same shall be assented to by the municipal officers of  
10 said towns and city respectively. But said corporation  
11 shall not be liable to any abutting land owners for any  
12 such alteration of the grade. If the tracks of said cor-  
13 poration's railroad cross any railroad of any other kind  
14 in said towns and a dispute arises in any way in regard  
15 to the manner of crossing, the board of railroad commis-  
16 sioners of the state shall upon hearing, decide and deter-  
17 mine in writing in what manner the crossing shall be  
18 made, and it shall be constructed accordingly.

SECT. 6. Wherever it is practicable to use the existing  
2 poles of any electric light, telephone or telegraph com-  
3 pany, or any tree or structure of any kind, for any of the  
4 wires of said corporation, and the owner thereof consents  
5 to the free use of the same or at a price satisfactory to  
6 said corporation, the said corporation shall make use of  
7 the same; and the decision as to the practicability of  
8 such use shall be left to three persons skilled in the sci-  
9 ence of electricity, one to be chosen by the said corpora-  
10 tion, one by the municipal officers, and the third by the  
11 two so chosen; the decision of a majority of said board

12 shall be final, and the expense of said tribunal shall be  
13 borne by said corporation. In the erection and main-  
14 tainance of its poles, posts and wires, the said corpora-  
15 tion shall be subject to the general laws of the State, reg-  
16 ulating the erection of posts and lines for the purposes of  
17 electricity.

SEC. 7. Nothing in this act shall be construed to pre-  
2 vent the proper authorities of said city and towns, respec-  
3 tively, 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 same.

SEC. 8. The capital stock of said corporation shall not  
2 exceed two hundred thousand dollars, to be divided into  
3 shares of one hundred dollars each.

SECT. 9. Said corporation is hereby authorized to issue  
2 bonds in such amounts and on such time and terms as it  
3 may from time to time determine, for any money which  
4 it may borrow for any purpose sanctioned by law in aid  
5 of the purposes of this act, and to secure the same by a  
6 mortgage deed of trust of its franchises and property;  
7 but the bonds so issued shall not exceed the amount of  
8 capital stock. The provisions of the fifty-first chapter  
9 of the Revised Statutes, relative to the foreclosure and  
10 redemption of mortgages, and the rights, duties and  
11 liabilities of bondholders and trustees, are hereby made  
12 applicable to said bonds and said mortgage deed of trust;  
13 and said bonds shall be binding and collectible in law,  
14 notwithstanding such bonds are negotiated and sold by  
15 said corporation or its agents, at less than their par value.

SECT. 10. For the purpose of carrying out the pro-  
2 vision of this act, said corporation shall have the power,



3 and is hereby authorized to have, or take and hold, by  
4 purchase or by virtue of the right of eminent domain,  
5 any real or personal estate or water power and privileges  
6 which it may find necessary and convenient, and for road-  
7 ways to be used as approaches thereto, doing no unnec-  
8 essary damage. Said corporation may enter upon said  
9 real estate to make surveys and locations, and shall file  
10 in the registry of deeds in the county of Androscoggin,  
11 plans and descriptions of any property so taken, and  
12 within thirty days thereafter publish in said county,  
13 such publication to be continued three weeks successively.  
14 Should said corporation and the owner of any property  
15 so taken be unable to agree upon the damages to be paid  
16 therefor, said corporation or said owner may, within  
17 twelve months after the filing of said plans and descrip-  
18 tions, apply to the commissioners of the county of An-  
19 droseoggin, who shall cause such damages to be assessed  
20 in the same manner and under the same conditions,  
21 restrictions, limitations and rights of appeal as are by  
22 law provided in the case of damages for the laying out of  
23 highways, so far as such law is consistent with the pro-  
24 visions of this act.

SECT. 11. No other corporation or persons shall be  
2 permitted to construct or maintain any railroad for similar  
3 purposes over the same streets, roads or ways, that may  
4 be lawfully occupied by this corporation, but any person  
5 or corporation lawfully operating any street railroad to  
6 any point to which this corporation's tracks extend, may  
7 enter upon, connect with and use upon the same on such  
8 terms and in such manner as may be agreed upon between  
9 the parties.

SECT. 12. The first meeting of said corporation may  
2 be called by any two of said corporators, giving actual  
3 notice in writing to their several associates, and said cor-  
4 poration may make such by-laws as are proper and are  
5 not contrary to the laws of the State.

SECT. 13. Said railroad shall not be deemed to be a  
2 railroad within the meaning of that term as used in the  
3 railroad statutes and Public Laws of this State, but shall  
4 have all the rights and be subject to all the liabilities of  
5 street railroads within this State.

SECT. 14. This charter is granted because the object of  
2 said corporation cannot be attained under the general laws  
3 relating to the organization and powers of railroad corpora-  
4 tions.

SECT. 15. This charter shall be null and void unless  
2 operations for building this railroad shall have been actu-  
3 ally commenced within two years from the date of the  
4 passage of this act.

SECT. 16. This act shall take effect when approved.





STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
February 1, 1893. }

Reported by Mr. TWITCHELL of Bath, from Committee on Railroads,  
Telegraphs and Expresses, and ordered printed under House rules.

W. S. COTTON, *Clerk.*