

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Sixth Legislature.

HOUSE.

No. 22.

STATE OF MAINE.

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

AN ACT to Incorporate the Auburn and Mechanic Falls
Railroad Company.

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

SECTION 1. Ara Cushman, Josiah A. Bucknam, Jesse
2 M. Libby, Frank O. Purington, W. W. Dennen, Wil-
3 liam Rounds, Albert M. Peuley, C. R. Pulsifer, John A.
4 Cuskley, W. G. Lowell, John Harper, W. W. Stetson,
5 J. W. Mitchell, J. R. Learned, Edwin T. Gile, George
6 E. McCann, H. Wesley Hutchins, George G. Gifford,
7 J. P. Hutchison, Wallace K. Oakes, their associates,
8 sucesors and assigns, are hereby created a corporatton

9 by the name of the Auburn and Mechanic Falls Rail-
10 road Company, with authority to construct, equip, main-
11 tain and use a railroad to be operated by electrical or
12 other motive power, except locomotive steam power,
13 with convenient single and double tracks, side tracks,
14 switches, turn-outs and stations, and to erect poles and
15 place wires for the same, for the conveyance of persons
16 and property from such point or points in the city of
17 Auburn proper to any point or points in the city of Au-
18 burn and to Mechanic Falls village in the town or towns
19 of Poland or Minot by way of Minot Corner village, and
20 upon and over such streets, town roads and highways in
21 said city of Auburn and in said towns of Minot and Po-
22 land as said corporation may from time to time deter-
23 mine, subject to the approval of the municipal officers of
24 said city of Auburn and said towns of Minot and Poland,
25 and any other towns into which said road may extend.
26 Said corporation shall have authority to construct, main-
27 tain and operate said railroad over and upon any lands
28 which it may acquire by purchase, or which may be taken
29 and condemned by said corporation as for public use, in
30 the manner provided in the general statutes of this State
31 relating to steam railroads. Said corporation shall before
32 commencing the construction of said railroad, file with the
33 city clerk of said city of Auburn and the town clerks of
34 said towns of Minot and Poland, and any other town into
35 which said road may be located, a plan of so much of the
36 proposed location of said railroad as shall be within said

37 city and towns respectively, and shall, within seven days
38 after such filing cause notice of the same to be published
39 in some newspaper if any published in said city of
40 Auburn, and some newspaper, if any, published in the
41 village of Mechanic Falls. Said plan shall remain on file
42 in the offices of said clerks, open to public inspection, for
43 the space of thirty days from and after the publication of
44 such notice, and if no written objections to any portion
45 of said location are filed with the clerk of the city or town
46 through or into which such portion of said location
47 extends, within said time, said plan may be approved by
48 the municipal officers of said city and towns, respectively,
49 without further notice or hearing. If such objections are
50 so filed, the municipal officers of the city or town within
51 which the part of said location objected to lies, shall fix
52 a time and place for a hearing upon such objections, and
53 shall leave at the principal office of said corporation a
54 written notice of such time and place, accompanied by a
55 copy of such objections, at least ten days before the time
56 appointed for such hearing, and shall cause a similar
57 notice to be served upon the person or persons filing said
58 objections, and after hearing the parties may approve or
59 disapprove such location and such location, when ap-
60 proved, shall be the location of said railroad. Said
61 municipal officers may determine the distance at which
62 any portion of said railroad proposed to be constructed
63 lengthwise upon and over any street, town road or
64 county way within their respective towns shall be laid

65 from the sidewalks thereon ; and such determination and
66 their approval of the plans aforesaid shall be in writing
67 and signed by a majority of such municipal officers and
68 shall be recorded by the clerks of the respective towns.
69 Any interested person or corporation who is aggrieved
70 by any decision of the municipal officers of any city or
71 town in respect to any matters arising under this act, may
72 appeal to and have such matters determined by the board
73 of railroad commissioners of this State, in the manner
74 hereinafter provided. Such appellant shall within thirty
75 days after such decision, file with the clerk of such city
76 or town, a written notice of appeal stating his reasons
77 thereof ; and such clerk shall, upon receipt of such notice
78 of appeal forthwith forward a certified copy thereof to
79 the railroad commissioners. Upon receipt of such copy,
80 said commissioners shall order such notice of a time and
81 place for hearing thereon as they deem reasonable and
82 proper, to be given by the appellant at his expense ; and
83 after hearing the parties, shall certify its decision upon
84 said appeal in writing to the clerk of such city or town
85 for record ; and such decision when so made and recorded
86 shall be final in the premises.

Said corporation shall have the power from time to time
88 to fix such rates of compensation for transportation of
89 persons and property as it may deem expedient, and gen-
90 erally have all the powers and be subject to all the
91 liabilities of corporations as set forth in the forty-sixth
92 chapter 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 corpor-
7 ation 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
12 any carelessness, neglect or misconduct of its agents or
13 servants, or of any obstruction unlawfully placed by
14 them in the streets or roads of said city or towns, and
15 shall 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
19 road occasioned by the occupation of such street or road
20 by such railroad, or by any carelessness, neglect or mis-
21 conduct of the agents or servants of said corporation, or
22 by 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 limita-
25 tions 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 Minot and Poland, and of any other
3 town into which said railroad may extend, respectively,
4 shall have power at all times, to make all such regulations,
5 as to the rate of speed, and removal of snow and ice from
6 the streets, roads and highways, by said company at its
7 expense, and mode of use of the tracks of said railroad
8 within said city or towns, as the public convenience and
9 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 exceeding
6 two hundred dollars, or may be imprisoned in the county
7 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 track of this road

13 shall cross any other railroad the manner and condition of
14 crossing the same shall be determined by the railroad
15 commissioners.

SECT. 6. Wherever it is practicable to use the exist-
2 ing poles of any electric light, telephone or telegraph
3 company, or any tree or structure of any kind, for any
4 of the wires of said corporation, and the owner thereof
5 consents to the free use of the same or at a price satis-
6 factory to said corporation, the said corporation shall
7 make use of the same ; and the decision as to the prac-
8 ticability of such use shall be left to three persons skilled
9 in the science of electricity, one to be chosen by the said
10 corporation, one by the municipal officers, and the third
11 by the two so chosen ; the decision of a majority of said
12 board shall be final, and the expense of such tribunal
13 shall be bourne by said corporation. In the erection and
14 maintenance of its poles, posts and wires, the said corpo-
15 ration shall be subject to the general laws of the state,
16 regulating the erection of posts and lines for purposes of
17 electricity.

SECT. 7. Nothing in this act shall be construed to pre-
2 vent the proper authorities of said city and towns, respect-
3 ively, from entering upon and taking up any of the streets,
4 city and county roads, occupied by said railroad, for any
5 purpose for which they may now take up the same.

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

SECT. 9. Said corporation is hereby authorized to issue
2 bonds in such amounts and on such times 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 thirty-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 collectable 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 provis-
2 ion of this act, said corporation shall have the power, and
3 is hereby authorized, to have, or take and hold, by pur-
4 chase or by virtue of the right of eminent domain, any
5 real or personal estate or water power and privileges
6 which it may find necessary and convenient, and for
7 roadways to be used as approaches thereto, doing no
8 unnecessary damage. Said corporation may enter upon
9 said real estate to make surveys and locations, and shall
10 file in the registry of deeds in the County of Androsco-
11 gin, plans and descriptions of any property so taken, and
12 within thirty days thereafter, publish notice of such
13 taking and filing in some newspaper published in said

14 county, such publication to be continued three weeks
15 successively. Should said corporation, and the owner of
16 any property so taken, be unable to agree upon the
17 damages to be paid therefor, said corporation or said
18 owner, may, within twelve months after the filing of said
19 plans and descriptions apply to the commissioners of the
20 County of Androscoggin, who shall cause such damages
21 to be assessed in the same manner and under the same
22 conditions, restrictions, limitations and rights of appeal,
23 as are by law provided in the case of damages for the
24 laying out of highways, so far as such law is consistent
25 with the provisions 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 any
6 point to which this corporation's tracks extend, may enter
7 upon, connect with and use the same on such terms and in
8 such manner as may be agreed upon between the parties.

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 ther several associates, and said corporation
4 may make such by-laws as are proper, and are not con-
5 trary 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
2 of said corporation cannot be attained under the general
3 laws relating to the organization and powers of railroad
4 corporations.

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. The location in the towns of Poland and
2 Minot to Mechanic Falls contemplated by the first section
3 of this act, shall be by way of the river road leading past
4 Hackett's mill.

SECT. 17. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,)
February 1, 1893.)

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

W. S. COTTON, *Clerk.*