

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Sixth Legislature.

HOUSE.

No. 349.

STATE OF MAINE.

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

AN ACT to incorporate the Damariscotta and Randolph
Railway Company, and to authorize the construction of the
same across navigable tide waters.

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

SECTION 1. John M. Glidden, Ebenezer Haggett,
2 Thomas F. Turner, J. Manchester Haynes, George E.
3 Macomber, P. O. Vickery, A. R. G. Smith, K. M. Dun-
4 bar, George Bliss, E. O. Clark and A. R. Nickerson,
5 their associates, successors and assigns, are hereby con-
6 stituted a corporation by the name of the Damariscotta
7 and Randolph Railway Company, with authority to con-
8 struct, maintain and use a street railroad, to be operated

9 by horse power or electricity, with convenient single or
10 double tracks, side tracks, switches or turnouts, with any
11 necessary or convenient lines of poles, wires, appliances,
12 appurtenances or conduits, from Damariscotta, upon and
13 over any public highway leading from said Damariscotta
14 to and through the town of Randolph, and from and to
15 such other points and upon and over such other streets
16 and ways, and across navigable tide waters, in the towns
17 of Damariscotta, Newcastle, Alna, Dresden, Whitfield,
18 Chelsea, Pittston and Randolph, as shall from time to
19 time be fixed and determined by the municipal officers of
20 said towns, and assented to in writing by said corpora-
21 tion, and shall also have authority to construct, maintain
22 and use said railroad over and upon any lands where the
23 land damages have been mutually settled by said corpo-
24 ration and the owners thereof; *provided, however*, that
25 all tracks of said railroad shall be laid at such distances
26 from the sidewalks in any of said towns as the municipal
27 officers thereof shall, in their order fixing the routes and
28 locations of said railroad, determine to be for public
29 safety and convenience. The written assent of said cor-
30 poration to any vote of the municipal officers of either of
31 said towns, prescribing from time to time the routes of
32 said railroad therein, shall be filed with the clerk of said
33 town, and shall be taken and deemed to be the location
34 thereof. Said corporation shall have power, from time
35 to time, to fix such rates of compensation for transport-
36 ing persons and property as it may think expedient, and
37 shall have all the powers and be subject to all the liabili-
38 ties of corporations as set forth in the forty-sixth chapter
39 of the Revised Statutes.

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

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

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 or abet therein,
5 shall be punished by a fine not exceeding two hundred
6 dollars or with imprisonment in the county jail for a period
7 not exceeding sixty days.

SECT. 5. The capital stock of said corporation shall not
2 exceed five hundred thousand dollars, to be divided into
3 shares of one hundred dollars each.

SECT. 6. 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 purpose of manage-
4 ment of said road.

SECT. 7. Said railroad shall be constructed and main-
2 tained in each of said towns, in such form and manner

3 and upon such grade and with such rails as the municipal
4 officers of said town shall direct, and whenever in the
5 judgment of the said corporation it shall be necessary to
6 alter the grade of any street or way, said alteration may
7 be made at the sole expense of said corporation, provided
8 the same shall be assented to by the municipal officers of
9 the town wherein the said grade so sought to be changed
10 is located. If the tracks of said corporation's railroad
11 cross any other railroad and a dispute arises in any way
12 in regard to the manner of crossing, the board of rail-
13 road commissioners of this State shall upon hearing,
14 decide and determine in writing in what manner the cross-
15 ing shall be made, and it shall be constructed accord-
16 ingly.

SECT. 8. Said corporation may change the location of
2 said railroad at any time by first obtaining the written con-
3 sent of the municipal officers of the town in which the
4 change is so sought to be made, and to make additional
5 locations subject to the foregoing provisions and condi-
6 tions.

SECT. 9. Nothing in this act shall be construed to pre-
2 vent the proper authorities of either of said towns from
3 entering upon and taking up any of the streets or ways
4 in either of said towns, occupied by said railroad for any
5 purpose for which they may lawfully take up the same.

SECT. 10. No other person or corporation shall be per-
2 mitted to construct or maintain any railroad for similar
3 purposes over the same streets or ways that may be law-
4 fully occupied by this corporation, but any person or cor-
5 poration lawfully operating any horse 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
8 in such manner as may be agreed upon between the
9 parties, or if they shall not agree, to be determined by
10 the railroad commissioners for the State of Maine.

SECT. 11. Said corporation is hereby authorized to
2 issue bonds in such amount and on such time as may from
3 time to time, be determined, in aid of the purposes speci-
4 fied in this act, and to secure the same by a mortgage of
5 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. 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 not
5 contrary to the laws of the State.

SECT. 13. This charter shall be null and void unless
2 operations for building said railway shall have been
3 actually commenced within two years from the passage of
4 this act.

SECT. 4. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 16, 1893. }

Reported by Mr. SAWYER of Portland, from Committee on Railroads,
Telegraphs and Expresses, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*