

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1864.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1864.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1864.

CHAP. 366. fied with like effect, by the directors and secretary for the time being.

Inconsistent
acts repealed.

SECT. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECT. 3. This act shall take effect from and after its approval by the governor.

Approved March 16, 1864.

Chapter 366.

An act to incorporate the Bangor and Brewer Street Railroad Company.

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

Corporators.

Corporate
name.

Construction.

Location, how
determined.

Authorized to
construct when
land damages
have been
settled, &c.

Proviso.

Assent of
corporation to
any vote, &c.,
of the city or
town, shall be
filed with the
clerks, &c.

May fix rates
of compensa-
tion for
transportation.

Powers,
liabilities, &c.

SECT. 1. George M. Weston, Ambrose C. Wilson, Deodat Brastow, J. C. Chamberlain and Joab W. Palmer, their associates and successors, are hereby constituted a corporation by the name of the Bangor and Brewer Street Railroad Company, with authority to construct, maintain and use a railroad to be operated by horse power, with convenient single or double tracks from such point or points in the city of Bangor, upon and over such streets therein, as shall from time to time be fixed and determined by the municipal officers of said city of Bangor, and assented to in writing by said corporation, and across the Bangor bridge to Brewer village, upon and over such streets, town and county roads in said town of Brewer, as from time to time may be fixed and determined by the municipal officers of said town, and assented to in writing by said corporation; said corporation shall also have authority to construct, maintain and use said railroad over and upon any lands, where the land damages have been mutually settled by, and between said corporation and the owners thereof; *provided however*, that all the tracks of said railroad shall be laid at such distance from the sidewalks of said city of Bangor and town of Brewer, as the municipal officers thereof respectively, shall, in their order, fixing the routes of said railroad, determine to be for public safety and convenience. The written assent of said corporation to any vote or votes of the municipal officers of said city or town, prescribing from time to time, the routes of said railroad, shall be filed with the respective clerks of said city or town, and shall be taken and deemed the locations thereof. Said corporation shall have power from time to time to fix such rates of compensation for transporting persons or property, as it may think expedient, and generally shall have all the power and be subject to all the liabilities of corporations as set forth in the forty-sixth chapter of the revised statutes. Rails shall not be laid down in said city or town

without the assent of the municipal officers thereof, respectively. The original location of the route, when granted, shall be for the term of fifty years. The same may be renewed from time to time for a term not exceeding twenty-five years at any one time, by said municipal officers, upon such terms as they may deem expedient. No such renewal shall be granted prior to two years before the expiration of the location, then established. No location shall be granted or renewed, except upon reasonable prior notice, to all parties interested. If at the expiration of any of said terms, the use of the streets, roads or highways, occupied by said company's railroad, is granted by the municipal officers of either said city or town, or both, to any other corporation or person, it shall be upon condition that such corporation or person shall purchase of said company all its property of every description in necessary use for the purposes of said railroad, upon such terms as may be agreed upon by the parties, or determined by persons selected by them; and if they are unable to agree, the value of the same shall be determined by three disinterested persons, appointed by a judge of a supreme judicial court, on application of either party, and hearing thereon. Said appraisers shall be sworn, give notice of the time and place of their meeting to examine and appraise said property, and shall make to each party a written award; and their services shall be paid in equal proportions by the parties. If the municipal officers of either said city or town, or both determine that at the expiration of any of said terms, the use of the streets, roads or highways occupied by said company's railroad shall be granted to any person or corporation for the purpose of a horse railroad on the payment of any sum of money, yearly, or in any other manner, said company shall have the preference, and such use shall be granted or renewed to said company, provided it will pay as much therefor as any other corporation or person.

SECT. 2. Said railroad shall be operated and used by said corporation with horse power only. The municipal officers of said city of Bangor and of said town of Brewer, respectively, shall have power at all times to make all such regulations, as to the rate of speed and removal of snow and ice from the streets, roads and highways, by said company at its expense, and mode of use of the track of said railroad within said city or town, as the public safety and convenience require.

SECT. 3. Said corporation shall keep and maintain in repair such portion of the streets, town or county roads, as shall be occupied by the tracks of its railroad, and shall make all other repairs of said streets or roads, which in the opinion of the municipal officers of said city or town, respectively, may be rendered necessary by the occupation of the same by said railroad, and if not repaired,

CHAP. 366.

Location, term of.

—may be renewed.

—when may be renewed.

Notice.

If at expiration of terms use of streets, &c., shall be granted to any other corporation, &c.

—such corporation shall purchase, &c.

—terms, how determined.

Appraisers, duties of.

—services of, how paid.

Railroad, how to be used.

City and town may make regulations, &c.

Corporation shall keep in repair, streets, &c.

CHAP. 366.

—liable for
damages.

upon reasonable notice, such repairs may be made by said city or town, respectively, at the expense of said corporation. And said corporation shall be liable for any loss or damage which any person may sustain, by reason of any carelessness, neglect or misconduct of its agents or servants.

Obstructions in
use of road, &c.

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

Penalty.

Capital stock.

Shares.

SECT. 5. The capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each; and no share shall be issued for less than the par value.

May hold real
estate.

SECT. 6. Said corporation shall have power to purchase and hold such real estate as may be necessary and convenient for the purposes and management of said railroad.

Railroad shall
be constructed,
&c., under
charter of city
and town.

SECT. 7. Said railroad shall be constructed and maintained in such form and manner, and with such rail, and upon such grade as the municipal officers of said city of Bangor, and of said town of Brewer, respectively, shall, from time to time prescribe and direct; and whenever in the judgment of said corporation it shall be necessary to alter the grade of any street, town or county road occupied by its railroad, said alterations may be made at the sole expense of said corporation; *provided*, the same shall be assented to by the municipal officers of said city and town, respectively. If the tracks of said company's railroad cross any other railroad of any kind, in either said city or town, and a dispute arises in any way in regard to the manner of crossing, said municipal officers of the town or city in which said proposed crossing is to be made, shall upon hearing decide and determine in writing in what manner the crossing shall be made, which shall be constructed accordingly.

—alterations in
grades.

Proviso.

Crossings.

—manner of,
how deter-
mined.

Streets or
roads, in
relation to.

SECT. 8. Nothing in this act shall be construed to prevent the proper authorities of said city or town, respectively, from entering upon and taking up any of the streets, town or county roads occupied by said railroad, for any purpose for which now, they may lawfully take up the same.

Act, acceptance
of.

SECT. 9. This act shall be void unless the same shall be accepted by said corporation, and ten per cent. of the capital stock thereof, be paid in within five years from its passage.

Bonds, issue of,
&c.

SECT. 10. Said corporation is hereby authorized to issue bonds for the purpose of constructing its railroad, or for money which it may borrow for any purpose sanctioned by law; but the bonds so issued shall not exceed the amount of the capital stock paid in by

the stockholders. Said bonds may be issued in sums not less than one hundred dollars each, payable in not more than twenty years from their date, with interest at the rate of six per cent., payable semi-annually. CHAP. 366.

SECT. 11. Such bonds shall be approved by a majority of the directors of said corporation, who shall certify that each of said bonds is properly issued and recorded upon the books of the corporation. All bonds and notes which shall be issued by said corporation, shall be binding and collectable in law, notwithstanding such bonds or notes may be negotiated and sold by said corporation or its agents, at less than their par value. —how approved.
—shall be binding and collectable.

SECT. 12. Said bonds shall be secured by a conveyance of the corporate property to three trustees, by a suitable instrument of mortgage, to secure the payment of said bonds. —how secured.

SECT. 13. Said corporation shall pay semi-annually to said trustees, a sum equal to one per cent. on the amount of said bonds, for the purpose of creating a sinking fund. Said trustees shall have the care and management of all the moneys, funds and securities belonging to said sinking fund, and they shall from time to time at their discretion, invest moneys on hand, securely, and so that the same shall be productive; and the same may be invested in the bonds of said corporation, secured as aforesaid, or loaned on interest, to any county, city or town, or any bank in this state, or the same may be loaned on interest, well secured by a first mortgage of real estate, to an amount not exceeding half the value thereof, or by pledge of the scrip or stock of any of the New England states, or of any city, county or town as aforesaid, and the same fund, with the accruing interest shall constitute a sinking fund for the payment and redemption of said bonds. Sinking fund.
—trustees shall have management of, &c.
—how invested.

SECT. 14. The provisions of the fifty-third section of the fifty-first chapter of the revised statutes, and of the nine sections of said chapter, next following, are hereby made applicable to said bonds, and to said mortgage made to secure the same, but said corporation shall not be subject to the other general provisions of law, relating to railroads. Certain provisions of law applicable to bonds, &c.

SECT. 15. In laying the track of the railroad across the Bangor bridge, as provided in section one, the corporation shall obtain the consent of the Bangor bridge company to lay said track over said bridge company's property, which consent shall be obtained by a vote of the stockholders at a meeting called for that purpose, and assented to in writing by said corporation; and the said municipal authorities are not hereby restrained from making and requiring such changes in the grade of streets and other alterations as they may deem fit; and said Bangor and Brewer shall not be liable to third persons for any injuries or damages caused by said corpora- Bangor Bridge Co., consent of, required.
—how obtained.
Municipal authorities may change grade of streets, &c.
Bangor and Brewer not liable, &c.

CHAP. 367. tion. This act shall be void unless the road is completed and used for travel within five years from the passage of this act.

Act when to be void.

SECT. 16. This act shall take effect when approved by the governor.

Approved March 17, 1864.

Chapter 367.

An act to establish the Bangor Wet Dock Company.

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

Corporators.

SECT. 1. Rufus Dwinel, Samuel H. Dale, Isaac M. Bragg, Arad Thompson, Aaron A. Wing, Amos M. Roberts, Franklin Muzzy, Isaiah Stetson, Isaac Danforth, Charles Hayward, George Stetson, Samuel Larrabee, Sidney Thaxter, Samuel Veazie, George W. Pickering, Daniel B. Hinkley, Samuel P. Strickland, John L. Crosby, E. A. Upton and George K. Jewett, their associates, successors and assigns, are hereby constituted a body politic and corporate, by the name of the Bangor Wet Dock Company, with all the powers and privileges, and subject to the duties and liabilities contained in the laws of this state relating to similar corporations.

Corporate name.
Powers, privileges, &c.

Authorized to build, &c., wet dock.

Location.

SECT. 2. Said corporation is authorized to build, construct and maintain a suitable wet dock in connection with the European and North American Railway Company, by the erection of a dam across the mouth of the Kenduskeag stream, in Bangor, with a suitable draw or draws, with all necessary locks and lock gates, so as to insure a dock, basin or inner harbor, where vessels may lie afloat above such dam, with the right to demand and receive tolls, and establish all proper regulations for the preservation, maintenance and care of the same; *provided* the city council of the city of Bangor, shall accept of this act within two years from the approval thereof by the governor; and the same shall be constructed within such time as the city council may by their vote or votes determine, not exceeding the term of five years, otherwise this charter shall be void.

Toll authorized.

Proviso.

SECT. 3. This corporation shall have and enjoy all the powers necessary to carry into effect the objects and purposes of its incorporation; to occupy so much of the land, wharves and flats on the Kenduskeag stream as may be taken and used for the purposes of the European and North American Railway Company, with the consent of said railway company, not exceeding a width of ninety feet of the bed of the Kenduskeag stream, for piers and approaches to said draw or draws, as may be found necessary.

Proviso.

May occupy certain land, &c.