

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA:
SPRAGUE & SON, PRINTERS TO THE STATE.
1887.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1887.

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thereof, the payment of said bonds, scrip, or other promise or any part thereof.

May lease franchise or property.

SECT. 5. Said corporation may, from time to time lease on such terms and for such times as it may determine, the whole or any part of its franchise and property to any one or more of the railroad companies whose tracks have entered, or may hereafter enter the city of Portland, which railroad companies are hereby authorized to accept and obligate themselves by such lease or leases.

Qualification of directors.

SECT. 6. Any stockholder in any railroad corporation which holds stock in said Portland Union Railroad Station Company, is eligible to be director therein.

SECT. 7. This act shall take effect when approved.

Approved February 15, 1887.

Chapter 97.

An Act to incorporate the Bangor Street Railway.

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

Corporators.

SECT. 1. Frederick M. Laughton, Eugene M. Hersey, Robert F. Straine, Frederick W. Hill and Charles E. Hill, their associates and successors, are hereby constituted a corporation

Corporate name.

Authorized to construct a railway.

by name of Bangor Street Railway with authority to construct, maintain and use a railway to be operated by electrical or animal power, with convenient single or double tracks, side-tracks, switches, turn-outs, with any necessary or convenient lines of poles, wire, appliances and appurtenances, from such point in the city of Bangor upon and over such streets therein as shall, from time to time be fixed and determined by the city council of said city of Bangor, and assented to in writing by said corporation ; and over land of private owners where consent is obtained and damages paid or released. The written assent of said corporation to any vote or votes of the city council of said city, prescribing from time to time the routes of said railway, shall be filed with the city clerk of said city ; and shall be taken and deemed to be the locations thereof, which shall not afterwards be changed except by mutual consent of the city council and the corporation. Said corporation shall have power from time to time to fix such rates of compensation for

Location and route shall be determined by city council.

—assent of corporation shall be filed with city clerk.

Locations shall not be changed except by mutual consent of city council and corporation.

Powers of corporation.

transportation as it may think expedient; to issue bonds and in general shall have all the powers, 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 without the assent of the city council thereof, and the rights of said corporation in laying its rails and maintaining its road, shall be no more than are, or may be granted by the city council of Bangor; and in the matter of removal of snow and ice, keeping in repair that portion of the roads between the rails and adjacent to them outside, the corporation shall be limited and bound by the restrictions and conditions imposed by the said city at the time of granting the license.

Rails shall not be laid without assent of city council.

—removal of snow and ice, and repair of roads, shall be under conditions imposed by city council.

SECT. 2. The capital stock of said corporation shall not exceed three hundred thousand dollars, and shall be divided into shares of one hundred dollars each. The corporation may commence business without its whole capital stock being subscribed for.

Capital stock.

SECT. 3. Said corporation shall have power to purchase and hold such real estate or other property as may be necessary and convenient for the purpose and management of said railway.

Authorized to hold real estate.

SECT. 4. A lien on all the property of said railway to take precedence of any mortgage is hereby created in favor of the city of Bangor, to secure said city for any sum it may be liable to pay on account of any damages to person or property occasioned by any negligence or fault of said railway, during construction or operation.

Lien on property to secure payment of damages.

SECT. 5. Nothing in this act shall be construed to prevent the proper authorities of said city from entering upon and taking up any of the streets occupied by said railroad for any purpose, for which they might now lawfully take up the same.

City shall have control of streets.

SECT. 6. 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 any person 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 for obstructing corporation.

SECT. 7. This act shall be void if at least one and one-half miles of said railway shall not be built and ready for cars, within one year from the approval of this act, unless excused by the city council of Bangor.

Act void if railway is not established within one year.

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Location of route shall be for twenty-five years.

—may be renewed.

—shall not be renewed without notice.

—if use of streets is granted another corporation, it shall be on condition that it shall purchase property of company.

—terms of purchase, how determined.

—value of property, how ascertained in case parties cannot agree.

—company shall have preference for renewal if it will pay as much therefor as any other company.

—offer of other corporations shall not be entertained unless accompanied by bond.

SECT. 8. The original location of the route when granted shall be for the term of twenty-five years. The same may be renewed from time to time, for a term not exceeding twenty-five years at any one time, by the city council of Bangor, 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 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 city council of Bangor 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 the 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 city council of Bangor determine at the expiration of any of said terms, that the use of the streets, roads or highways, occupied by said company's railroad, shall be granted to any person or corporation for the purposes of a railroad, operated by electrical or animal power, 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. If at the end of any term of twenty-five years, no other person or corporation shall offer terms more favorable to the city for said rights, than said Bangor Street Railway will offer, then said Bangor Street Railway shall be entitled to, and the city council shall grant a renewal, as herein before provided. No bid or offer from any other person or corporation shall be entertained, unless accompanied by a good and sufficient bond, conditioned that in case such offer is accepted, such person or corporation will pay to the city the amounts offered, and fully perform all

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its agreements, and forthwith buy and pay for the property of said Bangor Street Railway, as herein before contemplated. Any similar corporation hereafter incorporated, which shall construct its road where the Bangor Street Railway has no track, may enter upon and connect with, and use the track of the Bangor Street Railway for such rates of compensation or other terms as may be agreed upon, or in case of disagreement of the directors of the two companies, three disinterested persons shall be appointed by the judge of the supreme court, on application of either party, and a hearing shall be had before said commission. Said commissioners shall be sworn, give notice of the time and place of their meeting, to determine the matter in dispute, and shall make to each party a written final decision of the points submitted, and their services shall be paid in equal proportions by the parties.

—other corporations may connect with lines of this company.

—terms in case of disagreement.

SECT. 9. The city council of Bangor shall have power at all times to make all such regulations as to rate of speed and removal of ice and snow from the streets, roads and highways by said company at its expense, in case company desires so to remove, and mode of use of the track of said railroad within said city, as the public safety and convenience may require.

City council shall have power to regulate speed, removal of snow, etc.

SECT. 10. Said railroad shall be constructed and maintained in such form and manner, and with such rail, and upon such grade as the city council of Bangor shall prescribe and direct; and any grade may be changed from time to time by the city council; and said company shall conform thereto, and said city shall not be liable for any expense or damage resulting to said company on account of such change of grade; and whenever in the judgment of said corporation, it shall be necessary to alter the grade of any street occupied by its railroad, said alterations may be made at the expense of said corporation; provided, the same shall be assented to by the city council of Bangor. If the tracks of the said company's railroad cross any other street railroad, and a dispute arises in any way in regard to the manner of crossing, the municipal officers of Bangor shall, upon hearing decide and determine in writing, in what manner the crossing shall be made, which shall be constructed accordingly.

—shall prescribe rail and grade.

City shall not be liable for damage on account of change of grade.

SECT. 11. If for any reason excepting as hereinafter provided, said Bangor Street Railway shall abandon the regular use, on week days, of any portion of its track, for the term of one year, then at the request of the city council, said

When any track is abandoned for space of one year, it shall be removed.

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company shall remove its tracks from such portion, leaving the street in good order, safe and convenient for ordinary use; or, after reasonable notice, and failure of said corporation so to remove, the city council may order such removal by the proper city officers; and such removal and necessary labor to repair streets, shall be at the expense of said corporation. But no failure to use such tracks regularly, shall be construed to be an abandonment, if such failure results from any labor disturbance, or misfortune, or any unavoidable cause.

Co. shall lay
paving when re-
quired to, by
city council.

SECT. 12. If the cars of said corporation are drawn by animals, excepting when the rails are covered with snow, said company shall lay such paving as may be required by the city council.

First meeting,
how called.

SECT. 13. The first meeting of the corporation for the purpose of accepting the charter, and for the business usually transacted at the first meeting of corporations, may be called by either of the persons named as incorporators, by written notice to the others, mailed at least seven days before the time appointed for such meeting.

SECT. 14. This act shall take effect when approved.

Approved February 15, 1887.

Chapter 98.

An Act to authorize the navigation, by steam, of the Range Ponds in the town of Poland.

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

Edward P.
Ricker, et als.,
authorized to
clear channels,
etc., in Range
ponds.

SECT. 1. Edward P. Ricker, Alvan B. Ricker and Hiram W. Ricker, their associates and assigns, are hereby authorized to clear and enlarge channels, dredge bars, and remove stones in the three Range ponds and the streams connecting the same, in the town of Poland, Androscoggin county, and they are hereby authorized to make and construct draw-bridges, and to raise bridges, in a proper and suitable manner to convene the public travel, across the highways passing between said ponds, at their own cost, damage and expense. No liability or obligation is hereby imposed on said town of Poland to provide draw-bridges or passage-ways across said highways, other than as now provided by law. And they are hereby

—no liability im-
posed upon
town of Poland.