

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

SEVENTY-THIRD LEGISLATURE

HOUSE.

No. 240

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND SEVEN.

AN ACT to incorporate the Winter Harbor and Eastern Rail-
way Company.

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

Section 1. Bedford E. Tracy of Winter Harbor, Edward
2 S. Clark and G. Raymond Joy, of Eden, Edward E. Chase
3 of Bluehill, Elmer P. Spofford of Deer Isle, Will R. Havey,
4 Bradbury Smith, Stewart E. Phelps, of Sullivan, George H.
5 Grant of Ellsworth, Orlando W. Foss and Charles H. Woos-
6 ter of Hancock, their associates, successors and assigns are
7 hereby constituted a corporation by the name of the Winter
8 Harbor and Eastern Railway Company, with authority to
9 construct, maintain and operate by electricity a street railway,

10 with convenient single or double tracks, side tracks or turn-
11 outs, with all necessary or convenient lines of poles, wires,
12 appliances, appurtenances and conduits, commencing at Ells-
13 worth and extending eastward in and through said Ells-
14 worth, Hancock, Sullivan, Gouldsboro and Winter Harbor
15 in the county of Hancock and Steuben and Milbridge in the
16 county of Washington, upon streets and highways to be fixed
17 and determined by the municipal officers of said respective
18 towns, after the right of way has been granted by the respec-
19 tive towns, and assented to in writing, by said corporation;
20 build and maintain bridges with draws across navigable
21 waters in each of said towns upon location and upon terms
22 to be established by the county commissioners of the county
23 in which the bridge is located, and may also maintain and
24 operate said railway upon and over any lands where the land
25 damages have been mutually settled by the corporation and
26 owners thereof; provided, however, that all tracks of said
27 railway shall be laid at such a distance from the sidewalks of
28 said towns as the respective municipal officers thereof shall
29 in their order fixing the routes of said railway determine to
30 be for their public safety and convenience. The written
31 assent of said corporation to any vote of said towns or of the
32 municipal officers of said towns, prescribing from time to
33 time the routes of said railway, shall be filed with respective
34 clerks of said towns, and the assent to the location of bridges
35 by county commissioners shall be filed with the clerk of
36 courts in the county where said bridge is to be built, and

37 shall be taken and deemed to be the location thereof. Said
38 corporation shall have power from time to time to fix such
39 rates of compensation for transporting persons or property as
40 it may think expedient and generally shall have all the pow-
41 ers and be subject to all the liabilities of corporations as set
42 forth in the forty-seventh chapter of the Revised Statutes,
43 provided, that nothing herein contained shall authorize said
44 corporation to operate its railroad within the limits of the
45 city of Ellsworth except by one line of track by which to
46 enter said city as a terminal point, or to make connection
47 with any other electric railway entering or operating in said
48 city.

Section 2. Said corporation is hereby authorized to build
2 and forever maintain on the line of location of its tracks and
3 line of wires transmitting power and supplying lights and
4 power, any and all necessary bridges, across tide waters
5 where vessels can navigate, in any of the towns named in
6 this act, especially across the Taunton river, which river
7 divides the town of Sullivan from the town of Hancock in
8 said county of Hancock, upon locations, terms and conditions
9 to be determined by the commissioners of the county in which
10 said bridge to be built, after due notice and a public hearing
11 thereon, and forever maintain draws in such bridges, cross
12 said bridges with wires and maintain the same in accordance
13 with regulations that may be established by said commis-
14 sioners from time to time; which rules and regulations shall

15 be printed and a copy thereof be posted in each car run by
16 said company.

Provided, always, that after the county commissioners have
18 once established their rules and regulations they shall not be
19 changed in any particular, until after thirty days written
20 notice to said corporation to the end that a hearing may be
21 had thereon.

Section 3. Said corporation is also authorized to make,
2 generate, sell, distribute and supply electricity for lighting,
3 heating, manufacturing or mechanical purposes in any of the
4 towns hereinbefore mentioned with all the rights, privileges
5 and powers, and subject to all the restrictions and liabilities
6 incident by law to corporations organized for said last named
7 purposes.

Said corporation may make contract with other person, per-
9 sons or corporations to supply it with electrical power for all
10 purposes for which it is incorporated.

Sect. 4. 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.

Section 5. Said corporation is hereby authorized to issue
2 bonds in such amount, and on such time as may from time
3 to time, be determined, in aid of the purposes specified in
4 this act, and to secure the same by mortgage of its franchises
5 and property.

Sect. 6. Said corporation may change the location of said
2 railway, by first obtaining the written consent of the muni-

3 cipal officers of said town, and make additional locations,
4 subject to the foregoing provisions and conditions; provided
5 that the location of any bridge across tide waters where ves-
6 sels can navigate shall not be changed without the consent
7 of the county commissioners.

Sect. 7. Nothing in this act shall be construed to prevent
2 the proper authorities of said towns, from entering upon
3 and temporarily taking up the soil in any street, town or
4 county road occupied by said railway, for any purpose for
5 which they may now lawfully take up the same.

Sect. 8. Such corporation is hereby authorized to lease all
2 of its property and franchises on such terms as it may deter-
3 mine, also to consolidate with or to acquire by lease, pur-
4 chase, or otherwise, the lines, property and franchises of any
5 other street railway, whose lines as constructed or chartered
6 would form connecting or continuous lines with the lines of
7 this company, and in such case this corporation shall be enti-
8 tled to all the privileges, and be subject to all appropriate
9 conditions and limitations contained in the charter thus united
10 with or acquired. Whenever "any person or corporation
11 shall be lawfully operating any street railway to any point
12 to which this corporation's tracks extend, this corporation
13 may enter upon, connect with and use the same on such terms
14 and in such manner as may be agreed upon between the
15 parties.

Sect. 9. Said corporation shall not be required to run cars
2 upon its road when the line of the road is blocked with snow

3 and ice, or when the convenience or wants of the public do
4 not demand it. And said corporation is permitted to run
5 omnibuses instead of rail cars during such time as the tracks
6 may be blocked.

Sect. 10. Whenever it is practicable to use existing poles
2 of any electric light, telephone or telegraph company or any
3 tree or structure of any kind, for any of the wires of said
4 corporation and the owners thereof consent to the free use
5 of the same, or at a price satisfactory to said corporation shall
6 have the right to use the same; and the decision as to the
7 practicability of such use shall be left to three persons skilled
8 in the science of electricity, one chosen by said corporation,
9 one by the municipal officers, and the third by the two so
10 chosen; the decision of the majority of said board shall be
11 final and the expense of said tribunal shall be borne by said
12 corporation. In the erection and maintenance of its poles,
13 posts, lamps and wires, said corporation shall be subject to
14 the general laws of the state, regulating the erection of posts
15 and lines for the purposes of electricity.

Sect. 11. Said corporation may purchase or take and hold
2 by its locations aforesaid, as for public use, land other than
3 streets, roads or ways and all materials in and upon it, for the
4 location, construction and convenient use of its road, when-
5 ever for any reason it appears to be impracticable to locate
6 such a railroad within the limits of the streets, roads or ways,
7 but land so taken shall not exceed four rods in width unless
8 necessary for excavations, embankments or materials; no

9 location outside the limits of any street, road or way shall be
10 approved by the railroad commissioners, unless it appears to
11 be impracticable to locate said railroad within the limits of
12 said streets, roads or ways. All damages for land and
13 material so taken shall be determined and paid in the man-
14 ner and under the proceedings as provided in case of land
15 taken for steam railroads.

Sect. 12. The first meeting of said corporation shall be
2 called in the manner provided in the Revised Statutes, Chap-
3 ter forty-seven, Section seven.

This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,

Augusta, February 21, 1907.

Reported by Mr. MOORE from Committee on Railroads and Expresses,
and ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*