

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-EIGHTH LEGISLATURE

OF THE

STATE OF MAINE

1897

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

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PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1897.

Sect. 4. Said chapter is further amended by adding the following section:

'Sect. 10. So long as this company operates its road by horse power only, it shall not be compelled to operate the same from October first to June first.'

Sect. 5. This act shall take effect when approved.

Approved March 17, 1897.

CHAP. 465

Section added.

When horse power only, is used, road may be operated from Oct. 1 to June 1.

Chapter 465

An Act to incorporate the Eastport Street Railway.

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

Sect. 1. John H. McFaul, Ambrose L. Blanchard, Noel B. Nutt, Samuel D. Leavitt, William S. Hume, George O. Grady, Charles E. Capen, Charles M. Buxton, Frank S. Paine, Leavitt M. Whalen, Charles E. Martin, Alexander D. McFaul and Eben A. Holmes, their associates, successors and assigns are hereby constituted a corporation under the name of the Eastport Street Railway Company, with authority to construct, maintain, equip and operate a line or lines of single or double track railway, to be operated by horse power or electricity, with the necessary side tracks, switches and turnouts, and other appliances for the passage of cars, carriages or other vehicles, upon or along such streets in the city of Eastport, now or hereafter laid out, as the city council of said Eastport may permit, including the right to bridge or otherwise cross the tide waters of Shackford's cove where vessels can navigate, at Sodom bridge, so called, or at any point nearer the head of said cove, where said company may acquire other approaches to said cove, by purchase or otherwise, subject to the consent and approval of the city council of said city of Eastport.

Corporators.

—corporate name.

—may construct railroad to be operated by horse power or electricity, in streets under conditions imposed by city council.

—cross tide waters.

Sect. 2. The capital stock of said company shall be one hundred thousand dollars, in shares of one hundred dollars each. The directors shall have absolute power and authority to transfer and issue stock to any person, in consideration of any claim or demand against the company or in payment for any property, right or privilege granted to the company, and such stock shall be the same as if actual cash had been paid therefor.

Capital stock.

CHAP. 465

Tracks may be laid in such street as city council may direct.

Unless permission to construct railway within two years, act becomes void.

Grade of streets shall not be interfered with.
—liability for damages.

—if not operated within one year after construction, rails may be taken up.

—shall keep streets in good repair.

Style of cars and how they shall be run.

—speed.

—barges may be used in winter.

—fares.

Sect. 3. The tracks shall be laid in such parts of the streets as the city council may direct; the gauge of track to be not more than four feet eight and one-half inches. The city council shall have the right to determine whether any street railway shall be built and to designate the streets over which said railway may run. And unless application is made to the city council for permission to construct a street railway under this charter, and a contract entered into for its construction within two years from the passage of this act, the incorporators herein named, and their associates, shall transfer and assign this charter to such persons as the city council may select, and this charter shall be void and of no effect, unless work of construction shall be commenced within two years from the passage of this act.

Sect. 4. Said company shall build its road so as not to interfere with the grade of any street, and shall conform to any change of street grade when required by the city council. And said company shall be liable for all damages to persons and property caused by its failure to conform to the existing grade, or to the grade at any time hereafter established, of any street on which its track may be laid. And if, after its construction, any part of said railway shall not be operated for one year, the city council may order the rails taken up, and the streets properly repaired, or may cause the same to be done, the expense to be paid out of the proceeds of the sale of said rails. Said company shall keep in good repair the streets between the rails and two feet outside of said rails, and shall make all other repairs on said streets, which in the opinion of the city council are rendered necessary by the occupation of the same by said company, and if the company fails to make such repairs after reasonable notice, the city council may make the repairs at the expense of the company. The rails shall not be laid over one inch above the level of the street.

Sect. 5. The cars shall be a kind approved by the city council, shall be kept in good order, and run over the line daily, and be provided with signal lights and alarm bells. The rate of speed may be fixed, from time to time, by the city council, as the public safety and convenience may require. Barges propelled by horses may be used in winter, and said company shall provide for the disposition of ice and snow from the track in such manner as the street commissioner of said Eastport may direct, and on failure to do so, the commissioner may remove the same at the expense of said company. The maximum rate of single

fare, except by the consent of the city council, shall be five cents, and for school children forty tickets for one dollar. The city of Eastport shall not be liable for any damage to persons or property occasioned by said company or its officers, agents, or servants, during construction or operation of said railway.

CHAP. 465

City shall not be liable for damages, while road is being constructed.

Sect. 6. The company may purchase, lease, acquire and transfer all real and personal estate necessary for carrying on its business.

May hold real estate.

Sect. 7. The directors of this company may, from time to time, raise or borrow for the use of said company, any sums not exceeding one hundred thousand dollars and not exceeding the amount of capital stock subscribed for, by the issue of bonds or debentures in sums of not less than one hundred dollars each, on such terms as they think proper, and may pledge, or mortgage all the property, franchise, and income of the company, or any part thereof, for the payment of sums so borrowed and interest thereon, provided, that the consent of the majority in value of the stockholders shall be first obtained at a special meeting called for that purpose.

May issue bonds and mortgage property.

Sect. 8. All damage done to water pipes or sewers in laying said tracks shall be paid by said company, and it shall be liable for any loss or damage sustained by reason of any carelessness, neglect or misconduct of its servants or agents, or by reason of any defect in so much of the streets as is occupied by said company during construction or operation, if such defect arises from the neglect of the company, its servants or agents. Nothing herein contained shall be construed to prevent the city from entering upon, and taking up any part of the streets occupied by said company, for any purpose for which it is now lawful to take up the same.

Liable for all damages to water pipes, sewers and streets.

Sect. 9. Any person who shall willfully and maliciously obstruct said corporation in the use of its road or tracks, or the passage of its cars or carriages thereon, shall be fined not exceeding two hundred dollars or imprisoned not exceeding sixty days.

Penalty for obstructing use of road.

Sect. 10. The first meeting of this company may be called by either of the corporators, by giving written notice to the others at least five days before the meeting, of the time and place.

First meeting, how called.

Sect. 11. This act shall take effect when approved.