

MAINE STATE LEGISLATURE

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SIXTIETH LEGISLATURE.

HOUSE.

No. 118.

STATE OF MAINE.

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

WHEREAS, The objects of this corporation cannot be otherwise attained,

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

SECTION 1. Edward P. Chase, Frederick W.
2 Clark, Francis Tibbets, George Libby, George B.
3 Buzelle, Solomon Stuart, Lorenzo F. Chase, Edward
4 Harlow, Ashbel Chaplin, Alvin Deering, John W.
5 Deering, Rufus Tibbets, George W. Burnham,
6 Royal R. Burnham, Josiah Chase, Theodore E.
7 Harmon, Frederick A. Clark and Lindley M. Webb,
8 their associates, successors and assigns, are hereby
9 constituted a corporation by the name of the West
10 End Railroad Company, with authority to con-
11 struct, maintain and use a horse railroad to be
12 operated as horse railroads are operated in other

13 places, with convenient single or double tracks,
14 from the westerly terminus of the Portland Rail-
15 road Company's track on Congress street in
16 Portland, Cumberland county, westerly upon and
17 over Congress street to the line of the town of
18 Deering; and also from said Congress street
19 southerly upon and over St. John street in said
20 Portland, to a point near the transfer station on
21 the Boston and Maine Railroad.

22 Said corporation shall first obtain the assent of
23 the municipal officers of said city thereto, and said
24 officers shall at the same time determine within
25 what limits of said streets such tracks may be
26 located and constructed, which assent and deter-
27 mination shall be made in writing delivered to said
28 corporation, and a copy thereof filed in the office
29 of the clerk of said city, together with a descrip-
30 tion of the location of said tracks in accordance
31 therewith, and the written assent of said corpora-
32 tion thereto, and thereupon the location shall be
33 deemed made and perfected. Said corporation
34 shall have power from time to time to fix rates of
35 compensation for transporting persons and prop-
36 erty, and generally shall have all the powers, and
37 be subject to all the liability of corporations as
38 set forth in the forty-sixth chapter of the revised

39 statutes and amendments thereto, as far as the
40 same are applicable. The original location of the
41 route when made and perfected, and any legal ex-
42 tension thereof, shall be for the term of thirty
43 years. The same may be renewed from time to
44 time for a term not exceeding thirty years at any
45 one time, by the consent of said municipal officers,
46 after reasonable notice to all parties interested,
47 and upon reasonable terms, but no such removal
48 shall be granted prior to two years before the
49 expiration of the location then last made and per-
50 fected. Such consent and the terms thereof shall
51 be in writing, delivered to said corporation, a copy
52 filed in the office of the clerk of said city of Port-
53 land, with the written consent of said corporation,
54 and thereupon said renewal shall be deemed to have
55 been made and perfected. If at the expiration of
56 any of said terms, the use of the streets, roads or
57 highways occupied by said railroad is granted by
58 the municipal officers of said city of Portland to
59 any other corporation or person it shall be upon
60 condition that said corporation or person shall first
61 purchase of and pay for to said West End Railroad
62 Company all of its property of every description
63 in use or owned for the purposes of said railroad,
64 at such price as may be agreed upon by the parties,

65 or if unable to agree, at a price to be determined
66 by three disinterested persons appointed by the
67 supreme judicial court, or any judge thereof, on
68 application by either party, and notice and hearing
69 thereon. Said persons to act on oath after giving
70 reasonable notice of the time and place of meeting
71 and a hearing thereon, and to return their award
72 and appraisal into said court, and the compensation
73 of such persons shall be fixed by the court and paid
74 one-half by each party. If the municipal officers
75 of said Portland, at the expiration of said location
76 or any renewal thereof, determine that the use of
77 any street occupied by said company's railroad
78 shall be granted for such use, on any conditions,
79 said company shall have the preference, and the use
80 shall be granted or renewed to it; *provided*, it will
81 perform said conditions. No other corporation or
82 person shall be permitted to construct or maintain
83 any railroad for similar purposes over the same
84 streets as may be lawfully occupied by this corpor-
85 ation in any other manner than as herein provided,
86 but any person or corporation lawfully operating
87 any horse railroad to any point to which this cor-
88 poration's tracks extend, may enter upon, connect
89 with and use the same on such terms and in such
90 manner as may be agreed upon between the parties,

91 or if they shall not agree, to be determined in the
92 same manner as that herein provided for determin-
93 ation of price for said corporation property in case
94 of sale.

SECT. 2. Said railroad shall be operated by ani-
2 mal power only. The municipal officers of said
3 city shall have power to regulate the rate of speed,
4 the removal of snow and ice from, and the use of
5 the track within, the streets occupied by said rail-
6 road. Said corporation shall keep and maintain in
7 repair such portion of the streets as shall be occu-
8 pied by the tracks of its railroad, and shall make
9 all other repairs of said streets which may be ren-
10 dered necessary by the occupation of the same by
11 said railroad. And said corporation shall be liable
12 for any loss or damage which any person may sus-
13 tain by reason of any carelessness, neglect or
14 misconduct of its agents or servants.

SECT. 3. Any person who shall wilfully obstruct
2 said corporation in the use of its road or tracks, or
3 the passing of its cars thereon, or the discharge of
4 the duties of any of its agents or servants, and any
5 person who shall aid and abet therein, shall be pun-
6 ished by fine not exceeding two hundred dollars,
7 or instead thereof, imprisonment not exceeding
8 sixty days, in the county jail.

SECT. 4. Nothing in this act shall be construed
2 to prevent the authorities of said city from enter-
3 ing upon or taking up any of the streets, occupied
4 by said railroad, for any purposes for which they
5 may now lawfully take up the same.

SECT. 5. Said corporation shall have power to
2 lease and to purchase and hold such real estate
3 and personal property as may be necessary and
4 convenient for the purpose of said railroad, not
5 exceeding at any one time the amount of said com-
6 pany's capital stock at such time.

SECT. 6. The form and manner of construction
2 and the grade of said railroad and of any street
3 occupied thereby, and all changes therein shall be
4 subject to the control of said municipal officers,
5 and said officers shall hear and determine in
6 writing any dispute concerning the crossing by
7 said company's tracks of any other steam or horse
8 railroad track, and such crossing shall be con-
9 structed accordingly.

SECT. 7. The capital stock of said corporation
2 shall not exceed in the first instance the sum of
3 five thousand dollars, but may be increased by a
4 vote of the stockholders holding two-thirds of such
5 capital stock, represented at any legal meeting
6 called therefor, by a sum not exceeding five thou-

7 sand dollars for each mile or fractional part thereof
8 of track, in addition to the limits of said track
9 hereinbefore specified, but such increase of stock
10 shall not be made until such additional track shall
11 have been located under the provisions of this act.
12 Said capital stock shall be divided into shares of
13 fifty dollars each.

SECT. 8. Said corporation is hereby authorized
2 to borrow money for the purposes of constructing
3 and equipping its railroad, and to issue its bonds
4 therefor, but the said bonds shall not exceed in
5 amount two-thirds of the amount of capital stock
6 fixed at the time of issuing such bonds. Said
7 bonds shall be issued in denominations of not less
8 than fifty dollars each, payable in not more than
9 thirty years from their dates, with interest at the
10 rate of six per cent., payable semi-annually. Said
11 bonds shall be approved by the president and two
12 or more directors, who shall certify that such bond
13 was properly issued and recorded on the books of
14 the company.

SECT. 9. Said bonds shall be secured by a con-
2 veyance of the corporate property and franchise to
3 two trustees, by a suitable instrument of mortgage
4 to secure the payment of the same.

SECT. 10. The first meeting of said corporation
2 may be called by any two of said corporators giv-
3 ing actual notice in writing to their several associ-
4 ates, and said corporation may pass such by-laws
5 as are proper and not contrary to the laws of the
6 state.

SECT. 11. Said road shall not be taken or deemed
2 to be a railroad within the meaning of that term as
3 used in the public laws of this state, but shall have
4 all the rights and be subject to all the liabilities of
5 horse railroads within this state.

SECT. 12. This act shall take effect when ap-
2 proved.

STATE OF MAINE.

In HOUSE OF REPRESENTATIVES, }
February 25, 1881. }

Reported by Mr. BRADSTREET, from Committee on Railroads,
and ordered printed under Joint Rule.

ORAMANDAL SMITH, *Clerk.*