

MAINE STATE LEGISLATURE

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Sixty-Fourth Legislature.

HOUSE.

No. 122.

STATE OF MAINE.

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

AN ACT to incorporate the Ellsworth Street Railway Company.

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

SECTION 1. Eugene Hale, E. H. Greely, George
2 H. Grant, their associates and successors, are
3 hereby incorporated into a corporation by the name
4 of the Ellsworth Street Railway Company, for the
5 purpose of building, constructing, maintaining and
6 operating, by animal or electrical power, a railway
7 for passenger and freight transportation, with such
8 single or double tracks, side tracks, switches,
9 turnouts, stations and appurtenances, and with
10 such poles, wires, appliances and appurtenances as

11 may seem advisable and desirable to said company,
12 between such points within the limits of the city of
13 Ellsworth and in, across, along, and over such
14 streets therein as may be assented to, in writing, by
15 the mayor and aldermen of said city, at any
16 meeting thereof, upon petition of said company.
17 Said railway shall be of a guage not to exceed five
18 feet, and the land occupied by said company for
19 its main track lines, exclusive of turnouts,
20 switches, side tracks, stations or appurtenances,
21 shall nowhere exceed four rods in width. Said
22 company shall have power from time to time to fix
23 such rates of compensation for transportation as it
24 may think expedient, and, in general, shall have and
25 enjoy all the powers and privileges incident to or
26 usually granted to similar corporations.

SECT. 2. Said company shall further have power
2 to occupy any lands reasonably necessary for its
3 tracks, switches, turnouts, stations, appurtenances
4 or appliances, and excavate or construct in,
5 through, or over such lands to carry out its pur-
6 poses. It may enter upon such lands to make
7 surveys and locations, and shall file in the registry
8 of deeds, in said county of Hancock, plans of such
9 location and lands, and within thirty days there-
10 after publish notice thereof in some newspaper in

11 said county, such publication to be continued three
12 weeks successively.

SECT. 3. For the purpose of determining the
2 damages to be paid for such location, occupation
3 and construction the land owner or said company
4 may, within three years after the filing of plans of
5 location apply to the commissioners of said county
6 and have such damages assessed as is provided by
7 law in cases wherein land is taken for railroads so
8 far as the same is consistent with provisions of this
9 charter and where inconsistent or at variance with
10 this charter the charter shall control. If the com-
11 pany shall fail to pay such land owner, or deposit
12 for his use with the clerk of the county commis-
13 sioners such sum as may be finally awarded as
14 damages with costs within ninety days after final
15 judgment, the said location shall be thereby invalid
16 and the company forfeit all rights under the same.
17 If such land owner secures more damages than
18 were tendered by said company he shall recover
19 costs, otherwise the company shall recover costs.
20 In case the said company shall begin to occupy
21 such lands before the rendition of final judgment,
22 the land owner may require said company to file
23 its bond to him with the county commissioners in

24 sum and with such sureties as they approve, con-
25 ditioned for said payment or deposit. Failure to
26 apply for damages within said three years by the
27 land owner shall be held to be a waiver of the
28 same. No action shall be brought against said
29 company for such taking and occupation of lands
30 until after such failure to pay or deposit as
31 aforesaid.

SECT. 4. The capital stock of said company shall
2 be fixed at the first meeting of said company with
3 the right to increase up to one hundred thousand
4 dollars and shall be divided into shares of five dol-
5 lars each.

SECT. 5. Said company for all its said purposes
2 may hold real and personal estate sufficient, neces-
3 sary and convenient therefor.

SECT. 6. Said company may issue its bonds for
2 the construction of its works, maintenance or oper-
3 ation of the same of any or all kinds, upon such
4 rates and terms as it may deem expedient, not ex-
5 ceeding the sum of one hundred thousand dollars,
6 and secure the same by mortgage of any property
7 and franchise of the company.

SECT. 7. The mayor and aldermen of said city
2 of Ellsworth shall have power at all times to make

3 all such regulations as to rates of speed, removal of
4 snow and ice, keeping in repair that portion of the
5 streets between the rails and adjacent to them out-
6 side and the mode of use of the tracks of said com-
7 pany within said city, as the public safety and
8 convenience may require.

SECT. 8. The first meeting of said company shall
2 be called by a written notice signed by any one
3 corporator above named, stating the time and place
4 of meeting served upon the other corporators above
5 named either personally or by leaving the same at
6 the last and usual place of abode of each. At
7 least seven days before the time of such meeting,
8 or said first meeting may be called by a written
9 notice signed by any one corporator above named
10 stating the time and place of meeting published in
11 the Ellsworth American, a newspaper printed and
12 published at Ellsworth, Maine, at least seven days
13 before the time of such meeting. In either case
14 the certificate of the signer of the notice shall be
15 sufficient proof as to the service or publication of
16 the notice.

SECT. 9. This act shall take effect when ap-
2 proved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 8, 1889.

Tabled pending third reading, and ordered printed on motion of Mr.
SPOFFORD of Bucksport.

NICHOLAS FESSENDEN, *Clerk.*