

MAINE STATE LEGISLATURE

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Sixty-Fifth Legislature.

HOUSE.

No. 70.

STATE OF MAINE.

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

AN ACT to incorporate the Portland and Westbrook Street
Railway Company.

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

SECTION 1. Lemuel S. Lane, Frank Haskell, Charles
2 B. Woodman, Nathan Cleaves, Stephen R. Small, Pren-
3 tiss Loring, George E. Macomber, J. Manchester Haynes,
4 Orville D. Baker, Horace H. Shaw, James P. Baxter and
5 John H. Fogg, their associates, successors and assigns,
6 are hereby constituted a corporation by the name of the
7 Portland & Westbrook Street Railway Company, with
8 authority to construct, maintain and operate by electricity
9 or animal power, a street railway, with convenient single
10 or double tracks, side-tracks, switches, or turnouts, with

11 all necessary or convenient lines of poles, wires, ap-
12 pliances, appurtenances and conduits, from some point in
13 the village of Saccarappa in the town of Westbrook, thence
14 to and through the village of Cumberland Mills in said
15 town, thence to and through the town of Deering, and to
16 and into the city of Portland.

Said corporation shall have authority to construct, main-
18 tain and operate said railroad upon and over any lands
19 where the land damages have been mutually settled by
20 said corporation and the owners thereof; provided, how-
21 ever, that all tracks of said railroad shall be laid at such
22 distances from the sidewalks of said towns and city as the
23 respective municipal officers thereof respectively shall in
24 their order fixing the routes of said railroad determine to be
25 for the public safety and convenience. The written assent
26 of said corporation to any vote, or votes of the municipal
27 officers of said towns or said city, prescribing from time
28 to time the routes of said railroad shall be filed with the
29 respective clerks of said towns and city, and shall be
30 taken and deemed to be the location thereof. Said cor-
31 poration shall have power from time to time to fix such
32 rates of compensation for transporting persons or property
33 as it may think expedient, and generally shall have all the
34 powers and be subject to all the liabilities of corporations
35 as set forth in the 46th chapter of the Revised Statutes.

SECT. 2. The municipal officers of said towns and city
2 shall have power at all times within their municipal limits
3 to make all such regulations as to the rate of speed, and
4 removal of snow and ice from the streets, roads and high-
5 ways by said company as the public convenience and safety
6 may require.

SECT. 3. Said corporation shall keep and maintain in
2 repair such portions of the streets, town or county roads,
3 as shall be occupied by the tracks of its railroad, and
4 and shall make all other repairs of said streets or roads
5 which shall be rendered necessary by the occupation of
6 the same by said railroad. And if not repaired upon
7 reasonable notice such repairs may be made by said towns
8 or city within their respective limits at the expense of
9 said corporation. Said corporation shall be liable for any
10 loss or damage which any person may sustain by reason
11 of any carelessness, neglect or misconduct of its agents
12 or servants, or by reason of any defect in so much of
13 said streets or roads as is occupied by said railroad, if
14 such defect arises from neglect or misconduct of the cor-
15 poration, its servants or agents; and in actions brought
16 against the company to recover damages by reason of
17 such defects, the plaintiff shall have the rights and be
18 subject to the burdens of proof and limitations and con-
19 ditions provided by the general statutes applicable to suits
20 for such causes against towns as now existing, the direct-
21 ors of said company standing in this respect in place of
22 of town officers.

SECT. 4. If any person shall wilfully and maliciously
2 obstruct such corporation in the use of its roads, tracks or
3 property, or the passing of cars or carriages of said corpo-
4 ration thereon, such persons and all who aid and abet
5 therein shall be punished by a fine not exceeding two hun-
6 dred dollars, or may be imprisoned in the county jail for a
7 period not exceeding sixty days.

SECT. 5. The capital stock of said corporation shall not
2 exceed three hundred thousand dollars, to be divided into
3 shares of one hundred dollars each.

SECT. 6. Said corporation may lease, purchase, receive,
2 let, dispose of or hold such real or personal estate and
3 motive power as may be necessary or convenient for the
4 purposes and management of said railroad.

SECT. 7. Said railroad shall be constructed and main-
2 tained in such form and manner and with such rails and
3 other appliances as may be deemed necessary by the cor-
4 poration, and upon such grades as the municipal officers
5 of said towns and city may direct; and whenever in the
6 judgment of said corporation it shall be necessary to alter
7 the grade of any street, city or county road, said altera-
8 tions may be made at the sole expense of said corporation,
9 provided, the same shall be assented to by the municipal
10 officers of said towns and city, respectively. But said
11 corporation shall not be liable to any abutting land owners
12 for any such alteration of the grade. If the tracks of
13 said corporation's railroad cross any other railroad of any
14 kind in said towns or city and a dispute arises in any way
15 in regard to the manner of crossing, the board railroad
16 commissioners of the State shall upon hearing decide and
17 determine in writing in what manner the crossing shall be
18 made, and it shall be constructed accordingly.

SECT. 8. Said corporation may change the location of
2 said railroad by first obtaining the written consent of the
3 municipal officers of said towns or city, and make additional
4 locations subject to the fore-going provisions and conditions.

SECT. 9. Nothing in this act shall be construed to pre-
2 vent the proper authorities of said towns or city from
3 entering upon and temporarily taking up the soil in any
4 street, town or county road occupied by said railroad, for
5 any purposes for which they may now lawfully take up the
6 same.

SECT. 10. No other corporation or persons shall be
2 permitted to construct or maintain any railroad for similar
3 purposes over the same streets, roads or ways, that may
4 be lawfully occupied by this corporation, but any person
5 or corporation lawfully operating any street railroad to
6 any point to which this corporation's tracks extend, may
7 enter upon, connect with and use the same on such terms
8 and in such manner as may be agreed upon between the
9 parties, or, if they shall not agree, as may be determined
10 by the Railroad Commissioners of Maine.

SECT. 11. Said railroad shall not be deemed to be a
2 railroad within the meaning of that term as used in the
3 Revised Statutes and Public Laws of this State, but shall
4 have all the rights and be subject to all the liabilities of
5 street railroads within this State.

SECT. 12. Said corporation is hereby authorized to
2 issue bonds in such amounts and on such times and terms
3 as it may from time to time determine in aid of the pur-
4 poses specified in this act or for any money which it may
5 borrow for any purpose sanctioned by law, and secure the
6 same by a mortgage of its franchises and property. All
7 bonds which shall be issued by said company, shall be
8 binding and collectible in law, notwithstanding such bonds
9 may be negotiated and sold by said corporation or its
10 agents, at less than their par value.

SECT. 13. Said corporation is hereby authorized to
2 lease all of its property and franchises on such terms as it
3 may determine. Also to consolidate with or to acquire
4 by lease, purchase or otherwise the lines, property and
5 franchises of any other street railroad whose lines as con-
6 structed or chartered would form connecting or continuing

7 lines with the lines of this company, and in such case this
8 corporation shall be entitled to all the privileges and be
9 subject to all appropriate conditions and limitations con-
10 tained in the charters thus united with or acquired.

SECT. 14. Whenever it is practicable to use the exist-
2 ing poles of any electric light, telephone or telegraph
3 company, or any tree or structure of any kind, for any of
4 the wires of said corporation, and the owner thereof con-
5 sents to the free use of the same, or at a price satisfactory
6 to said corporation, the said corporation shall make use
7 of the same; and the decision as to the practicability of
8 such use shall be left to three persons skilled in the
9 science of electricity, one to be chosen by said corpora-
10 tion, one by the municipal officers, and the third by the
11 two so chosen; the decision of the majority of said board
12 shall be final and the expense of said tribunal shall be
13 borne by said corporation. In the erection and mainte-
14 nance of its poles, posts and wires, the said corporation
15 shall be subject to the general laws of the State, regulat-
16 ing the erection of posts and lines for the purposes of
17 electricity.

SECT. 15. The first meeting of said corporation shall
2 be called in the manner provided in the Revised Statutes,
3 chapter 46, section 3.

SECT. 16. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 9, 1891. }

Tabled, pending reference to Committee, by Mr. HAWES of
Deering, and ordered printed.

W. S. COTTON, *Clerk.*