

MAINE STATE LEGISLATURE

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NOTICE OF PETITION FOR LEGISLATIVE
CHARTER.

Notice is hereby given that a petition will be presented to the next Legislature of Maine, asking for a charter for an electric railroad to be constructed and extend from some point to be hereafter determined in the city of Portland, in a general northeasterly direction through the streets of said city and the city of Deering, and over the highways in the towns of Falmouth, Cumberland and Yarmouth, to some desirable point in the town of Yarmouth, a distance of about eleven miles.

Portland, September 1st, 1892.

SETH L. LARRABEE,

Attorney for Petitioners.

I hereby certify that a notice of which the foregoing is a copy, was published three weeks successively, to wit, September 1st, 8th, and 15th, 1892, in the Evening Express, a newspaper printed in the County of Cumberland and State of Maine.

Portland, September 21st, A. D. 1892.

EVENING EXPRESS Pub. Co.

BY A. W. LAUGHLIN, MANAGER.

STATE OF MAINE.

Cumberland, ss. Portland, Me., September 21, 1892.

Personally appeared the above named A. W. Laughlin, treasurer and business manager of the Evening Express Publishing Company, and made oath that the foregoing statement by him subscribed, is true.

Before me,

SETH L. LARRABEE,

Justice of the Peace.

Sixty-Sixth Legislature.

HOUSE.

No. 12.

STATE OF MAINE.

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

AN ACT to incorporate the Portland and Yarmouth Electric
Railway Company.

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

SECTION 1. Lorenzo L. Shaw, John H. Humphrey and
2 Herbert A. Merrill of Yarmouth, Greely Sturdivant and
3 Edmund R. Norton of Cumberland, Walter K. Swett of
4 Falmouth, William W. Merrill of Deering, Frederick N.
5 Dow, Edward B. Winslow, Charles J. Chapman, Ansel
6 R. Doten, Albion Little, Edwin L. Goding, Lewis A.
7 Goudy, Franklin H. Morse, Henry S. Trickey, Thomas
8 G. Harris, George W. Norton and Seth L. Larrabee of
9 Portland, all in the county of Cumberland, their associ-

10 ates, successors and assigns, are hereby constituted a
11 corporation by the name of Portland and Yarmouth
12 Electric Railway Company, with authority to construct,
13 maintain and use a street railway, to be operated by elec-
14 tricity or animal power, with convenient single and double
15 tracks, side tracks, switches or turnouts, with any neces-
16 sary or convenient lines of poles, wire, appliances and
17 appurtenances, and conduits, from such point on Congress
18 street in said Portland, between Elm and Washington
19 streets inclusive, as said corporation may elect, upon and
20 over such streets in said Portland as may be fixed and
21 determined by the municipal officers of said city and
22 assented to in writing by said corporation, to Tukey's
23 bridge; thence on and over said Tukey's bridge to Main
24 street in the city of Deering; thence upon and over such
25 streets in that part of said city of Deering known as East
26 Deering as shall from time to time be fixed and deter-
27 mined by the municipal officers of said city of Deering
28 and assented to in writing by said corporation, to the
29 boundary line between said city of Deering and the town
30 of Falmouth, with authority to go on and over Martin's
31 Point bridge if desired; thence in a general northeasterly
32 direction upon and over such town and county roads in
33 the towns of Falmouth, Cumberland and Yarmouth, as
34 may from time to time be fixed and determined by the
35 municipal officers of the several towns aforesaid and
36 assented to in writing by said corporation, to such points
37 in the town of Yarmouth as said corporation may elect,

38 provided that said corporation shall not by this charter
39 acquire any rights upon and over the streets of the city
40 of Portland other than are necessary for the establish-
41 ment and maintenance of its road from its actual terminus
42 in said city in a continuous and reasonably direct line to
43 Tukey's Bridge aforesaid. Said corporation shall also
44 have authority to construct, maintain and use said rail-
45 road over and upon any lands where the land damages
46 have been mutually settled by said corporation and the
47 owners thereof; provide^d, however, that all tracks of said
48 railroad shall be laid at such distances from the sidewalks
49 of said towns, as the municipal officers thereof, respect-
50 ively, shall, in their order fixing the routes of said
51 railroad, determine to be for public safety and conven-
52 ience. The written assent of said corporation to any
53 vote or votes of the municipal officers of said towns or
54 said cities, prescribing, from time to time, the routes of
55 said railroad, shall be filed with the respective clerks of
56 said towns and cities, and shall be taken and deemed to
57 be the location thereof. Said corporation shall have
58 power, from time to time to fix such rates of compensa-
59 tion for transporting persons or property, as it may think
60 expedient, and generally shall have all the powers, and
61 be subject to all the liabilities of corporations, as set
62 forth in the forty-sixth chapter of the Revised Statutes.

SECT. 2. The municipal officers of said towns and
2 cities shall have power, at all times, to make all such
3 regulations as to the rate of speed, and removal of snow

4 and ice from the streets, roads and highways, by said
5 company, as the public convenience and safety may require.

SECT. 3. All acts required by this act to be done by
2 said corporation, may be delegated by said corporation to
3 its board of directors.

SECT. 4. 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 shall make all other repairs of said streets or roads, which
5 may be rendered necessary by the occupation of the
6 same by said railroad, and if not repaired upon reason-
7 able notice, such repairs may be made by said towns
8 within their respective limits, at the expense of said cor-
9 poration. But the provisions of this section shall not
10 apply to the maintenance and repair of that portion of
11 Tukey's Bridge or Martin's Point Bridge that shall be
12 occupied by the track of the corporation's railroad. Said
13 corporation may make such terms by agreement with the
14 municipal officers of the City of Portland in relation to
15 the amount of the expenses of maintenance and repair
16 of Tukey's Bridge that shall be borne by it, as shall be
17 mutually satisfactory, and may also make such terms by
18 agreement with the County Commissioners in relation to
19 the amount of the expenses of maintenance and repairs
20 of Martin's Point Bridge that shall be borne by it, as
21 shall be mutually satisfactory, and in either case if the
22 parties are unable to agree, the questions at issue shall be
23 determined by arbitration.

SECT. 5. If any person shall wilfully and maliciously
2 obstruct said corporation in the use of its roads or tracks,
3 or the passing of the cars or carriages of said corporation
4 thereon, such persons, and all who shall 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
7 a period not exceeding sixty days.

SECT. 6. The capital stock of said corporation shall
2 not exceed three hundred thousand dollars, to be divided
3 into shares of one hundred dollars each.

SECT. 7. Said corporation shall have the power to lease,
2 purchase or hold such real or personal estate as may be
3 necessary and convenient for the purposes and manage-
4 ment of said railroad.

SECT. 8. 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 grade, as the municipal officers
5 of said towns and cities may direct, subject, however, in
6 all respects to the requirements of the railroad commis-
7 sioners; and whenever, in the judgment of said corpora-
8 tion, it shall be necessary to alter the grade of any street,
9 town or county road, said alterations may be made at the
10 sole expense of said corporation, *provided*, the same shall
11 be assented to by the municipal officers of said towns or
12 cities; but said corporation shall not be liable to any
13 abutting land owners for any such alteration of grade.
14 If the tracks of said corporation's railroad cross any other

15 railroad of any kind, in said towns or cities, and a dis-
16 pute arise in any way in regard to the manner of crossing,
17 the board of railroad commissioners of the state, shall,
18 upon hearing, decide and determine in writing, in what
19 manner the crossing shall be made, and it shall be con-
20 structed accordingly.

SECT. 9. Said corporation may change the location of
2 said railroad, at any time, by first obtaining the written
3 consent of the municipal officers of said towns and cities,
4 respectively, and make additional locations subject to the
5 foregoing provisions and conditions, but shall not be com-
6 pelled to change a location once established as above within
7 twenty-five years.

SECT. 10. Nothing in this act shall be construed to
2 prevent the proper authorities of said towns or cities,
3 respectively, from entering upon temporarily and taking
4 up the soil in any of the streets, town and county roads,
5 occupied by said railroad, for any purpose for which they
6 may now lawfully take up the same.

SECT. 11. No other corporation or person shall be per-
2 mitted 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 horse or electric
6 railroad, to any point to which this corporation's tracks
7 extend, may enter upon, connect with and use the same
8 on such terms and in such manner as may be agreed upon
9 between the parties, or if they shall not agree, to be

10 determined by the railroad commissioners of the State of
11 Maine.

SECT. 12. Said road shall not be taken or deemed to be
2 a 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. 13. Said corporation is hereby authorized to
2 issue bonds in such amount and on such time as it may
3 from time to time determine, in aid of the purposes speci-
4 fied in this act, and to secure the same by a mortgage of
5 its franchises and property. It is also hereby authorized
6 to lease all of its property and franchises, upon such terms
7 as it may determine.

SECT. 14. The first meeting of said corporation shall
2 be called in the manner provided in the Revised Statutes,
3 chapter 46, section 3.

SECT. 15. This act shall take effect when approved.



STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES, }
January 26, 1893. }

Tabled, pending first reading by Mr. SPRAGUE of Monson and
ordered printed.

W. S. COTTON, Clerk.