

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Sixth Legislature.

HOUSE.

No. 23.

STATE OF MAINE.

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

AN ACT to Incorporate the Pemaquid, Damariscotta and
Newcastle Street Railroad Company.

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

SECTION 1. W. E. Lewis, W. S. Brainerd, W. S. Ful-
2 ler, George W. Ellis, Eugene Sproul, Augustus Fossett,
3 Robert H. Cram, Alvin A. Fossett, Arad Fossett, H. M.
4 Heath, O. A. Tuell, H. H. Chamberlain, F. H. Boynton,
5 J. E. Nichols and W. F. Sawyer, their associates, suc-
6 cessors and assigns, are hereby constituted a corporation
7 by the name of the Pemaquid, Damariscotta and New-
8 castle Street Railroad Company, with authority to con-
9 struct, maintain and use a street railroad to be operated

10 by horse power or electricity, with convenient single or
11 double tracks, side tracks, switches or turnouts, with
12 any necessary or convenient lines of poles, wires, appli-
13 ances, appurtenances or conduits, from or near the Dam-
14 ariscotta and Newcastle depot of the Maine Central Rail-
15 road Company in the town of Newcastle, upon and over the
16 stage road, so called, leading from said depot to Pemaquid
17 Point in the town of Bristol, and from and to such other
18 points and upon and over such other streets and ways in the
19 said towns of Newcastle, Damariscotta and Bristol as shall
20 from time to time be fixed and determined by the muni-
21 cipal officers of said towns and assented to in writing by
22 said corporation, and shall also have authority to con-
23 struct, maintain and use said railroad over and upon any
24 lands where the land damages have been mutually settled
25 by said corporation and the owners thereof, provided,
26 however, that all tracks of said railroad shall be laid at
27 such distances from the sidewalks in any of said towns as
28 the municipal officers thereof shall, in their order fixing
29 the routes and locations of said railroad, determine to be
30 for public safety and convenience. The written assent of
31 said corporation to any vote of the municipal officers of
32 either of said towns, prescribing from time to time, the
33 routes of said railroad therein, shall be filed with the
34 clerk of said town and shall be taken and deemed to be
35 the location thereof. Said corporation shall have power,
36 from time to time, to fix such rates of compensation for
37 transporting persons and property as it may think expe-
38 dient, and shall have all the powers and be subject to all
39 the liabilities of corporations as set forth in the forty-
40 sixth chapter of the Revised Statutes.

SECT. 2. The municipal officers of said towns shall
2 have power, at all times, to make all regulations as to the
3 rate of speed, the removal of snow and ice from the streets,
4 roads and ways by said Company at its expense, and mode
5 of use of tracks of said railroad within each of said towns
6 as public convenience and safety may require.

SECT. 3. Said corporation shall keep and maintain in
2 repair such portions of the streets and ways as shall be
3 occupied by the tracks of said railroad, and shall make all
4 other repairs of said streets, roads and ways within either
5 of said towns which in the opinion of the municipal offi-
6 cers of said town may be rendered necessary by the
7 occupation of the same by said railroad and if not repaired
8 upon reasonable notice, such repairs may be made by said
9 town at the expense of said corporation.

SECT. 4. If any person shall wilfully or 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 person and all who shall aid or abet therein,
5 shall be punished by a fine not exceeding two hundred
6 dollars or with imprisonment in the county jail for a period
7 not exceeding sixty days.

SECT. 5. 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. 6. Said corporation shall have the power to
2 lease, purchase or hold such real or personal estate as may
3 be necessary and convenient for the purpose of manage-
4 ment of said road.

SECT. 7. Said railroad shall be constructed and main-
2 tained in each of said towns, in such form and man-

3 ner and with such rails and upon such grade as the mu-
4 nicipal officers of said town shall direct, and whenever in
5 in the judgment of the said corporation it shall be neces-
6 sary to alter the grade of any street or way, said altera-
7 tions may be made at the sole expense of said corpora-
8 tion, provided the same shall be assented to by the mu-
9 nicipal officers of the town wherein the said grade so
10 sought to be changed is located. And said corporation
11 shall not be liable to any abutting land owners for any
12 such alteration or grade. If the tracks of said corpora-
13 tion's railroad cross any other railroad at any time and a
14 dispute arises in any way in regard to the manner of
15 crossing, the Board of Railroad Commissioners of this
16 State shall upon hearing, decide and determine in writing
17 in what manner the crossing shall be made, and it shall
18 be constructed accordingly.

SECT. 8. 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 the town in which
4 the change is so sought to be made, and to make addi-
5 tional locations subject to the foregoing provisions and
6 conditions.

SECT. 9. Nothing in this act shall be construed to
2 prevent the proper authorities of either of said towns from
3 entering upon and taking up any of the streets or ways in
4 either of said towns, occupied by said railroad for any
5 purpose for which they may lawfully take up the same.

SECT. 10. No other corporation or person shall be per-
2 mitted to construct or maintain any railroad for similar
3 purposes over the same streets or ways that may be law-
4 fully occupied by this corporation, but any person or

5 corporation lawfully operating any horse railroad to any
6 point to which this corporation's tracks extend, may enter
7 upon, connect with and use the same on such terms and
8 in such manner as may be agreed upon between the par-
9 ties, or if they shall not agree to be determined by the
10 Railroad Commissioners for the State of Maine.

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

SECT. 12. Said corporation is hereby authorized to issue
2 bonds in such amount and on such time as may from time
3 to time, be determined, in aid of the purposes specified in
4 this act, and to secure the same by a mortgage of its fran-
5 chises and property. It is also hereby authorized to lease
6 all of its property and franchises upon such terms as it may
7 determine.

SECT. 13. The first meeting of said corporation may be
2 called by any two of said corporators giving actual notice
3 in writing to their several associates, and said corporation
4 may make such by laws as are proper and not contrary to
5 the laws of the State.

SECT. 14. This charter shall be null and void unless
2 operations for building this railroad shall have been actually
3 commenced within two years from date of the passage of
4 this act.

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

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
February 1, 1893. }

Reported by Mr. WHITE of Rockland, from the Committee on Railroads, Telegraphs and Expresses, and ordered printed under House rules.

W. S. COTTON, *Clerk.*