

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Sixth Legislature.

HOUSE.

No. 268.

STATE OF MAINE.

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

AN ACT to incorporate the Kittery and York Electric
Railroad Company.

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

SECTION 1. Frank E. Rowell, Horace Mitchell, Calvin
2 L. Hayes, Clarence M. Prince, Jethro H. Swett, Samuel
3 E. Jennison, Charles F. McClure, John E. Norwood,
4 Wilson L. Hawkes and Orville D. Baker, their associates
5 and successors, be and they are hereby incorporated and
6 made a body politic by the name of the Kittery and York
7 Electric Railroad Company, for the purpose of constructing
8 and operating street railways.

SECT. 2. The capital stock shall not exceed two hun-
2 dred thousand dollars and be divided into shares of one
3 hundred dollars each.

SECT. 3. The company shall have the right from the
2 going into force of this act, of constructing, maintaining
3 and operating a line or lines of single or double track rail-
4 way, with the necessary side tracks, switches and turnouts,
5 and other appliances for operating its cars upon and along
6 such streets, roads or highways within the towns of Kittery
7 and York, in the county of York as they may deem practi-
8 cable, subject to the approval of the municipal officers of
9 either of said towns.

SECT. 4. The company is hereby authorized to carry
2 on and operate a steam ferry for the purpose of conveying
3 its cars, together with passengers, freight and teams or
4 carriages across the Piscataqua river between said Kittery
5 and Portsmouth in the State of New Hampshire, com-
6 mencing at some convenient point between the end of the
7 navy yard bridge, in navy yard village, so called, in said
8 Kittery and the end of the Portsmouth bridge, and this
9 company is hereby authorized to collect and enforce
10 reasonable tolls for all the above purposes. And instead
11 of operating a steam ferry across said Piscataqua river,
12 said company is hereby authorized to lay its tracks along
13 and over such portion of said Portsmouth bridge as lies
14 within the State of Maine, and operate its cars over the
15 same, provided satisfactory arrangements can be made with
16 the Portsmouth Bridge Company for that purpose.

SECT. 5. Said company is hereby authorized to con-
2 struct and maintain a railroad bridge with a suitable draw
3 so as not to unnecessarily obstruct navigation, for the
4 passage of its cars, across the tide waters of Spruce
5 Creek, so called, in said Kittery, at some convenient
6 points near Kittery Point toll bridge, or may carry on

7 and operate a steam ferry for the purpose of conveying
8 its cars, together with passengers, freight, teams and
9 carriages, across said Spruce Creek, over tide waters,
10 between convenient points near said Kittery Point toll
11 bridge, and this company is hereby authorized to collect
12 and enforce reasonable tolls for the above purposes ; but
13 instead of constructing and maintaining a railroad bridge
14 or carrying on and operating a steam ferry thereat, said
15 company shall be authorized to lay its tracks along and
16 over said Kittery Point toll bridge and operate its cars
17 over the same, providing satisfactory arrangements can
18 be made with the Kittery Point Bridge Co. for that
19 purpose.

SECT. 6. Said company shall be authorized to lay its
2 tracks along and over any bridge in either of said towns
3 of Kittery and York, now constructed or that shall here-
4 after be constructed by either of said towns, across tide
5 waters, with the consent of municipal officers first obtained,
6 and operate its cars over the same.

SECT. 7. The company is hereby authorized to drive
2 piles deemed necessary by its managers, for slips,
3 wharves and buildings, to be used in connection with the
4 ferries, upon such privileges as it may buy, lease or in
5 any way receive and occupy for landings in said Kittery.
6 And the company may purchase and hold or lease real
7 estate in said towns of Kittery and York, for railway pur-
8 poses, and also for the purpose of slips, wharves and waiting
9 rooms, to the amount deemed necessary by the directors. And
10 in case the company is unable to agree with the owners
11 of the land required under this section, and necessary for
12 the convenience of the company, the York County Com-

13 missioners shall have power to take the land, devote
14 it to the purposes required for the company, and assess
15 the damages therefor in the same manner and with the
16 same powers as in laying out highways, subject to the
17 same rights of appeal on the parts of land owners. **ARTICLE 3**

SECT. 8. Said railroad shall be occupied and used by
2 said company with animal or electrical power. The
3 municipal officers of each of said towns shall have power at
4 all times to make all such regulations valid and binding
5 within the limits of their towns only, as to the rate of
6 speed of cars or trains, and the removal of snow and ice
7 from the streets, roads and highways from and alongside
8 of its tracks at the expense of said railway company, as
9 the public convenience and safety may require.

SECT. 9. The tracks of said company shall be laid in
2 such parts of the streets, roads or highways as the muni-
3 cipal officers of either of said towns shall direct; and poles
4 may be set at convenient places and distances along the
5 streets, roads or highways over which the tracks of the
6 railroad shall be laid, from which trolley wires may be sus-
7 pended for the operation of cars by electricity, at such
8 points as the municipal officers may direct.

SECT. 10. Said road shall be constructed in such form
2 and manner and with such rails and appliances that so
3 much of the streets, roads and ways as are occupied
4 thereby shall be safe and convenient for travelers, and
5 said road shall be liable in an action on the case for any
6 loss or damage which any person may sustain by reason of
7 any failure to comply with this provision.

SECT. 11. The company may lay its tracks across the
2 tracks of any steam railroad, but the manner and terms of

3 the crossing shall be determined by the railroad commis-
4 sioners before the crossing is made.

SECT. 12. The company shall keep and maintain in
2 repair, such portion 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 same
6 by said railroad, and if not repaired upon reasonable
7 notice, such repairs may be made by the town in which
8 the necessity exists, at the expense of said company, and
9 said town may recover all expenses in an action of money
10 paid for the use of said railroad company. .

Said company shall be liable for any loss or damage
12 which any person may sustain by reason of any careless-
13 ness, neglect or misconduct of its agents or servants, or
14 by reason of any defect in so much of said streets or
15 roads as is occupied by said railroad, if such defect arises
16 from neglect or misconduct of the company, its servants
17 or agents.

SECT. 13. If any person shall wilfully and maliciously
2 obstruct said corporation in the use of its road or tracks,
3 or the passing of the cars of said company thereon, such
4 person, and all who shall aid and abet therein, shall be
5 fined not exceeding two hundred dollars, or imprisoned in
6 a county jail not exceeding sixty days.

SECT. 14. Said company may, from time to time, fix
2 such rates of compensation for transporting persons or
3 property, as it may deem expedient, and generally shall
4 have the powers and be subject to all the liabilities of cor-
5 porations as set forth in the forty-sixth chapter of the
6 Revised Statutes and amendments thereto.

SECT. 15. Said corporation may change the location of
2 said railroad by first obtaining the written consent of the
3 municipal officers of said towns, and make additional loca-
4 tions subject to the foregoing provisions and conditions.

SECT. 16. Nothing in this act shall be construed to
2 prevent the proper authorities of said towns from entering
3 upon and temporarily taking up the soil in any street,
4 town or county road occupied by said railroad, for any
5 purposes for which they may now lawfully take up the
6 same.

SECT. 17. 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.

SECT. 18. Said towns of York and Kittery shall not be
2 liable to pay for any damage to persons or property
3 occasioned by any negligence or fault of said railway
4 during construction.

SECT. 19. The directors of this company may, from
2 time to time, raise or borrow for the use and purposes of
3 the company, any sum or sums not exceeding in the whole
4 two hundred thousand dollars, by the issue of bonds or
5 debentures in sums of not less than one hundred dollars,
6 on such terms and credit as they may think proper, and
7 may pledge or mortgage all the tools, property, franchise
8 and income of the company or any part thereof, for the
9 repayment of the moneys so raised or borrowed and the
10 interest thereon, provided, always, that the consent of a
11 majority in value of the stockholders of the company,
12 shall be first had and obtained at a regular or special
13 meeting to be called and held for that purpose.

SECT. 20. The first meeting of the incorporation under
2 this act, may be called by either of the incorporators giving
3 notice to the others in writing, at least seven days before
4 the time of said meeting, of the time and place of said
5 meeting.

SECT. 21. This act shall be void unless the same shall
2 be accepted by said corporation and ten per cent of the
3 capital stock thereof, be paid in and expended in the con-
4 struction of the railroad under this charter, within two
5 years from the time when this act takes effect.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 7, 1893. }

Reported by Mr. McCULLOUGH of Calais, from Committee on Railroads, Telegraphs and Expresses, and ordered printed under House rules.

W. S. COTTON, *Clerk.*