

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Sixth Legislature.

HOUSE.

No. 359.

STATE OF MAINE.

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

AN ACT to incorporate the Boothbay Harbor and Newcastle
Street Railroad Company, and to authorize the construc-
tion of the same across navigable tide waters.

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

SECTION 1. D. H. Moody, Luther Maddocks, A. R.
2 Nickerson, C. J. Marr, James F. Dunton, William E.
3 Reed, John McDougall, Chas. W. Cates, John E. Kelley,
4 Eben Chase, B. A. White, John M. Glidden, Elliott
5 Wood, George E. Macomber, P. O. Vickery, and A. D.
6 Bird, their associates, successors and assigns, are hereby
7 constituted a corporation by the name of the Boothbay
8 Harbor and Newcastle Street Railroad Company, with
9 authority to construct, maintain and use a street railroad

10 to be operated by horse power or electricity, with con-
11 venient single or double tracks, side tracks, switches or
12 turnouts, with any necessary or convenient lines of poles,
13 wires, appliances, appurtenances or conduits from any
14 point in Newcastle, and to connect with the Maine Cen-
15 tral Railroad Company in the town of Newcastle, and
16 upon and over all the roads from Boothbay Harbor to
17 Newcastle, and from and to such other points and upon
18 and over such other streets and ways in the said towns
19 of Newcastle, Edgecomb, Boothbay and Boothbay Har-
20 bor as shall from time to time be fixed and determined
21 by the municipal officers of said towns and assented to
22 in writing by said corporation, and shall also have
23 authority to construct, maintain and use said railroad
24 over and upon any lands where the land damages have
25 been mutually settled by said corporation and the own-
26 ers thereof, *provided, however*, that all tracks of said rail-
27 road shall be laid at such distances from the side-
28 walks in any of said towns as the municipal officers
29 thereof shall, in their order fixing the routes and locations
30 of said railroad, determine to be for public safety and con-
31 venience. Said Boothbay Harbor and Newcastle Street Rail-
32 road Company for the purposes and objects of its charter
33 is hereby expressly granted the right to cross the tide
34 waters of Sheepscot river, so called, within the limits of
35 the town of Newcastle upon any bridge or bridges of
36 said company erected therefor; *provided, however*, that
37 said railroad company shall not unnecessarily obstruct
38 navigation and that the manner and conditions of its
39 erecting and maintaining any bridge or bridges over said
40 river shall first be determined by the municipal officers

41 of said town of Newcastle. The written assent of said
42 corporation to any vote of the municipal officers of either
43 of said towns, prescribing from time to time, the routes
44 of said railroad therein, shall be filed with the clerk of
45 said town and shall be taken and deemed to be the loca-
46 tion thereof. Said corporation shall have power, from
47 time to time, to fix such rates of compensation for trans-
48 porting persons and property as it may think expedient,
49 and shall have all the powers and be subject to all the
50 liabilities of corporations as set forth in the forty-sixth
51 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
4 streets, roads and ways by said company at its expense,
5 and mode of use of tracks of said railroad within each of
6 said towns 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
4 all other repairs of said streets, roads and ways within
5 either of said towns which in the opinion of the municipal
6 officers of said town may be rendered necessary by the
7 occupation of the same by said railroad, and if not
8 repaired upon reasonable notice, such repairs may be
9 made by said 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 the
4 management of said road.

SECT. 7. Said railroad shall be constructed and main-
2 tained in each of said towns, in such form and manner
3 and with such rails and upon such grade as the municipal
4 officers of said town shall direct, and whenever in the
5 judgment of the said corporation it shall be necessary to
6 alter the grade of any street or way said alteration may
7 be made at the sole expense of said corporation, provided
8 the same shall be assented to by the municipal officers of
9 the town wherein the said grade so sought to be changed
10 is located. And said corporation shall not be liable to
11 any abutting land owners for any such alteration of grade.
12 If the tracks of said corporation's railroad cross any other
13 railroad at any time and a dispute arises in any way in
14 regard to the manner of crossing, the board of railroad
15 commissioners of this State shall upon hearing, decide
16 and determine in writing in what manner the crossing
17 shall be made and it shall 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 the
4 change is so sought to be made, and to make additional
5 locations subject to the foregoing provisions and condi-
6 tions.

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
4 in 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
2 permitted 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 corporation is hereby authorized to
2 issue bonds in such amount and on such time as may from
3 time to time, be determined, 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. 12. 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. 13. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES }
March 17, 1893. }

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

W. S. COTTON, *Clerk.*