

MAINE STATE LEGISLATURE

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Sixty-Seventh Legislature.

SENATE.

No. 16.

STATE OF MAINE.

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

AN ACT to incorporate the Portland Electric Railway, and
to authorize the construction of the same across navigable
tide waters.

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

SECTION 1. Jacob S. Winslow, Stephen R. Small,
2 Albert D. Boyd, James H. Boyd and F. Coleman Boyd,
3 their associates, successors and assigns, are hereby consti-
4 tuted a corporation by the name of Portland Electric
5 Railway, with authority to construct, maintain and
6 operate by electricity or animal power, a street rail-
7 way with convenient single or double tracks, side
8 tracks, switches or turnouts, with all necessary or con-
9 venient lines of poles, wires, appliances, appurtenances,

10 conduits and electric plants for motive power, beginning
11 at the intersection of Cross and Free streets, in the city
12 of Portland, and running thence through Cross street to
13 the intersection of Cross street with Commercial street,
14 thence through Commercial street to the Portland bridge,
15 by way of Commercial street, and the street, road or open
16 way running through the grounds of the Boston and Maine
17 Railroad Company, or through and over such other
18 grounds and ways as the Company may determine, thence
19 on, over and across said Portland bridge, to and into the
20 town of Cape Elizabeth ; and said Portland Electric Rail-
21 way is hereby further authorized to construct, maintain
22 and operate by electricity or animal power a street rail-
23 way, with convenient single or double tracks, side tracks,
24 switches or turnouts, with all necessary or convenient
25 lines of poles, wires, appliances, and electric plants for
26 motive power in and through the said town of Cape
27 Elizabeth, upon such streets, roads and highways in said
28 town, as may, from time to time, be fixed and determined
29 by the municipal officers of said town, and assented to in
30 writing by said Portland Electric Railway. Said corpo-
31 ration shall have authority to construct, maintain and
32 operate said railway over and upon any lands where the
33 land damages have been mutually settled between said
34 corporation, and the owners thereof. The written assent
35 of said corporation to any vote of said town, or of the
36 municipal officers thereof, prescribing from time to time,
37 the routes of said railway, shall be filed with the clerk of

38 said town. Said railway corporation shall have the power
39 from time to time to fix such rates of compensation for
40 transporting persons or property as it may think ex-
41 pedient, and generally shall have all the powers, and be
42 subject to all the liabilities of corporations, as set forth in
43 the forty-sixth chapter of the revised statutes.

SECT. 2. Said corporation shall keep and maintain in
2 repair such portions of the street, town or county roads as
3 shall be occupied by the tracks of its railway and for a
4 space of eighteen inches outside of each rail, and the
5 municipal officers of said city of Portland shall have power
6 at all times to make all such regulations as to rate of speed
7 and removal of snow and ice from such portions of the
8 streets in said city as shall be occupied by tracks of said
9 railway company, and from a space of eighteen inches out-
10 side of each rail, by said company at its expense, as the
11 public convenience and safety may require.

SECT. 3. Said Portland Electric Railway is hereby
2 authorized to issue bonds in such amounts and on such time
3 and terms as it may from time to time determine for any
4 money which it may borrow, and secure the same by mort-
5 gages of its franchises, railways and property. All bonds
6 which shall be issued by said company shall be binding and
7 legal, notwithstanding such bonds may be negotiated and
8 sold by said company or its agents at less than their par
9 value.

SECT. 4. Said Portland Electric Railway shall have
2 power to aid, or invest its funds, in the construction, main-

3 tenance or carrying on of summer hotels, summer or shore
4 resorts, or amusements at such resorts.

SECT. 5. The capital stock of said corporation shall
2 not exceed five hundred thousand (\$500,000) dollars, to
3 be divided into shares of one hundred (\$100) dollars each,
4 *provided, however*, that if the said capital stock is found
5 by the directors of said corporation to be insufficient for
6 carrying out the purposes and powers of said corporation,
7 then said corporation may increase said capital stock from
8 time to time to any amount, for the purposes provided for
9 in this act. Such increase however, must be assented to
10 by vote, either in person or by proxy, of two-thirds in
11 amount of all the stockholders, at a meeting thereof called
12 by the directors for that purpose.

SECT. 6. Said corporation shall be liable for any loss
2 or damage which any person may sustain by reason of any
3 neglect or misconduct of its agents or servants, or by reason
4 of any defect in so much of said streets or roads as is occu-
5 pied by said railway, is such defect arise from neglect or
6 misconduct of the corporation, its servants or agents.

SECT. 7. If any person shall willfully or maliciously
2 obstruct such corporation in the use of its road, tracks or
3 property, or the passage of cars or carriages of said corpo-
4 ration thereon, such person 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. 8. Said corporation may lease, purchase, receive,
2 let, dispose of, or hold such real and personal estate and
3 motive power as may be necessary and convenient for the
4 purposes and management of said railway and power plant
5 and station.

SECT. 9. Said railway 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 city or town respectively may direct; and when-
6 ever in the judgment of said corporation it shall be deemed
7 necessary to alter the grade of any street, town or county
8 road, said alteration may be made at the expense of said
9 corporation, provided the same shall be assented to by the
10 municipal officers of said city or town respectively. If the
11 tracks of said corporation's railway cross any other rail-
12 way of any kind in either said city or town and a dispute
13 arises in any way in regard to the manner of crossing, the
14 Board of Railroad Commissioners of the State, shall, upon
15 hearing, decide and determine in writing, in what manner
16 the crossing shall be made and it shall be constructed
17 accordingly.

SECT. 10. The directors of said company shall have
2 absolute power and authority to issue or transfer stock to
3 any person or corporation in consideration of any claim or
4 demand against said Portland Electric Railway, or construc-
5 tion work done for said company, or in payment for any
6 property, right or privilege granted to the company, and

7 such stock may be issued in such amounts and on such
8 terms as said board of directors may from time to time
9 determine, and such stock shall be the same as if actual
10 cash had been paid therefor, and shall be full paid and
11 non-assessable stock.

SECT. 11. Said corporation may change the location of
2 any of its railways by first obtaining the consent of the
3 municipal officers of said city or town, and may make addi-
4 tional locations, subject to the foregoing provisions and
5 conditions of this charter.

SECT. 12. Nothing in this act shall be construed to
2 prevent the proper authorities of said city or town from
3 entering upon and temporarily taking up the soil in any
4 street, town or county road occupied by said railway, for
5 any purpose for which they may now lawfully take up the
6 same.

SECT. 13. No other corporation or person shall be per-
2 mitted to construct or maintain any railway for similar
3 purposes over the same streets, roads or ways, that may be
4 lawfully occupied by this corporation, but any person or
5 corporation lawfully operating any street railway 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 in
8 such manner as may be agreed upon between the parties.

SECT. 14. Said railway corporation shall have all the
2 rights and be subject to all the liabilities of street railways
3 under the laws of this state, except so far as this act is

4 inconsistent therewith or makes provisions in regard to any
5 special subject, power or matter.

SECT. 15. Said Portland Electric Railway is hereby
2 authorized to lease or sell its railways, property and fran-
3 chises to any other company or companies, or to unite and
4 consolidate its stock, property, franchises and railways
5 with those of any company or companies, or to purchase,
6 or take a lease of, the railways, property and franchises
7 of any other company or companies, and to issue mortgage
8 bonds in payment therefor; and all other companies are
9 hereby authorized to lease or sell their railways, property
10 and franchises to this company, or to buy, or to take a
11 lease of the railways, property and franchises of this com-
12 pany, or to unite or consolidate their stock, property,
13 franchises and railways with those of this company.

SECT. 16. Said corporation shall not be required to run
2 cars upon its road during the winter season, when the line
3 of the road is blocked with snow and ice, or when the con-
4 venience or wants of the public do not demand it.

SECT. 17. In the erection and maintenance of its poles,
2 posts, lamps and wires, said corporation shall be subject to
3 the general laws of the state, regulating the erection of
4 posts and lines for the purposes of electricity.

SECT. 18. The first meeting of said corporation may be
2 called by one of the corporators giving written notice to the
3 others, of the time and place of the meeting, at least seven
4 days before the meeting.

SECT. 19. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, January 17, 1895.

On motion by Mr. PRESCOTT of York, laid on table to be printed, pending reference to Committee on Railroads, Telegraphs and Expresses in concurrence.

KENDALL M. DUNBAR, *Secretary.*