

MAINE STATE LEGISLATURE

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Sixty-Eighth Legislature.

HOUSE.

No. 212.

STATE OF MAINE.

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

AN ACT to incorporate the Eastport Street Railway.

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

Section 1. John H. McFaul, Ambrose L. Blanchard, Noel
2 B. Nutt, Samuel D. Leavitt, William S. Hume, George O.
3 Grady, Charles E. Capen, Charles M. Buxton, Frank S.
4 Paine, Leavitt M. Whalen, Charles E. Martin, Alexander
5 D. McFaul and Eben A. Holmes, their associates, successors
6 and assigns are hereby constituted a corporation under the
7 name of the Eastport Street Railway Company, with author-
8 ity to construct, maintain, equip and operate a line or lines
9 of single or double track railway, to be operated by horse
10 power or electricity, with the necessary side tracks, switches
11 and turnouts, and other appliances for the passage of cars,
12 carriages or other vehicles, upon or along such streets in the

13 city of Eastport, now or hereafter laid out, as the city coun-
14 cil of said Eastport may permit, including the right to bridge
15 or otherwise across the tide waters of Shackford's cove where
16 vessels can navigate, at Sodom bridge, so called, or at any
17 point nearer the head of said cove, where said company may
18 acquire other approaches to said cove, by purchase or other-
19 wise, subject to the consent and approval of the city council
20 of said city of Eastport.

Sect. 2. The capital stock of said company shall be one
2 hundred thousand dollars, in shares of one hundred dollars
3 each. The directors shall have absolute power and author-
4 ity to transfer and issue stock to any person, in consideration
5 of any claim or demand against the company or in payment
6 for any property, right or privilege granted to the company,
7 and such stock shall be the same as if actual cash had been
8 paid therefor.

Sect. 3. The tracks shall be laid in such parts of the streets
2 as the city council may direct; the gauge of track to be not
3 more than four feet, eight and one-half inches. The city
4 council shall have the right to determine whether any street
5 railway shall be built and to designate the streets over which
6 said railway may run. And unless application is made to
7 the city council for permission to construct a street railway
8 under this charter, and a contract entered into for its con-
9 struction within two years from the passage of this act, the
10 incorporators herein named, and their associates, shall trans-
11 fer and assign this charter to such persons as the city council
12 may select, and this charter shall be void and of no effect,
13 unless work of construction shall be commenced within two
14 years from the passage of this act.

Sect. 4. Said company shall build its road so as not to
2 interfere with the grade of any street, and shall conform to
3 any change of street grade when required by the city council.
4 And said company shall be liable for all damages to persons
5 and property caused by its failure to conform to the existing
6 grade, or to the grade at any time hereafter established, of
7 any street on which its track may be laid. And if, after its
8 construction, any part of said railway shall not be operated
9 for one year, the city council may order the rails taken up,
10 and the streets properly repaired, or may cause the same to
11 be done, the expense to be paid out of the proceeds of the
12 sale of said rails. Said company shall keep in good repair
13 the streets between the rails and two feet outside of said
14 rails, and shall make all other repairs on said streets, which
15 in the opinion of the city council are rendered necessary
16 by the occupation of the same by said company, and if the
17 company fails to make such repairs after reasonable notice,
18 the city council may make the repairs at the expense of the
19 company. The rails shall not be laid over one inch above
20 the level of the street.

Sect. 5. The cars shall be a kind approved by the city coun-
2 cil, shall be kept in good order, and run over the line daily,
3 and be provided with signal lights and alarm bells. The
4 rate of speed may be fixed, from time to time, by the city
5 council, as the public safety and convenience may require.
6 Barges propelled by horses may be used in winter, and said
7 company shall provide for the disposition of ice and snow
8 from the track in such manner as the street commissioner
9 of said Eastport may direct, and on failure to do so, the
10 commissioner may remove the same at the expense of said
11 company. The maximum rate of single fare, except by the

12 consent of the city council, shall be five cents, and for school
13 children forty tickets for one dollar. The city of Eastport
14 shall not be liable for any damage to persons or property
15 occasioned by said company or its officers, agents, or serv-
16 ants, during construction or operation of said railway.

Sect. 6. The company may purchase, lease, acquire and
2 transfer all real and personal estate necessary for carrying on
3 its business.

Sect. 7. The directors of this company may, from time to
2 time, raise or borrow for the use of said company, any sums
3 not exceeding one hundred thousand dollars by the issue of
4 bonds or debentures in sums of not less than one hundred
5 dollars each, on such terms as they think proper, and
6 may pledge, or mortgage all the property, franchise, and
7 income of the company, or any part thereof, for the payment
8 of sums so borrowed and interest thereon, provided, that
9 the consent of the majority in value of the stock holders shall
10 be first obtained at a special meeting called for that purpose.

Sect. 8. All damage done to water pipes or sewers in lay-
2 ing said tracks shall be paid by said company, and it shall be
3 liable for any loss or damage sustained by reason of any
4 carelessness, neglect or misconduct of its servants or agents,
5 or by reason of any defect in so much of the streets as is
6 occupied by said company during construction or operation,
7 if such defect arises from the neglect of the company, its
8 servants or agents. Nothing herein contained shall be con-
9 strued to prevent the city from entering upon, and taking
10 up any part of the streets occupied by said company, for any
11 purpose for which it is now lawful to take up the same.

Sect. 9. Any person who shall willfully and maliciously
2 obstruct said corporation in the use of its road or tracks,

3 or the passage of its cars or carriages thereon, shall be
4 fined not exceeding two hundred dollars or imprisoned not
5 exceeding sixty days.

Sect. 10. The first meeting of this company may be called
2 by either of the corporators, by giving written notice to the
3 others at least five days before the meeting, of the time and
4 place.

Sect. 11. This act shall take effect when approved.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

March 3, 1897.

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

W. S. COTTON, *Clerk.*