

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Eighth Legislature.

HOUSE.

No. 245.

STATE OF MAINE.

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

AN ACT to incorporate the Kittery and Eliot Street Railway
Company, 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. Frank E. Rowell, Horace Mitchell, Willard T.
2 Spinney and James H. Walker of Kittery, in the county of
3 York, and J. L. M. Willis, H. I. Durgin and T. F. Staples of
4 Eliot, in said county, their associates, successors and assigns,
5 are hereby made and constituted a body corporate, by the
6 name of the Kittery and Eliot Street Railway Company,
7 for the purpose of constructing and operating street railways.

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

Sect. 3. The company shall have the right from the going
2 into force of this act, of constructing, maintaining and oper-
3 ating a line or lines of single or double track railway, with
4 the necessary side tracks, switches and turnouts, and other
5 appliances for operating its cars upon and along the follow-
6 ing streets, roads or highways of the town of Kittery and
7 Eliot, viz.: Commencing at some convenient point on Gov-
8 ernment street in said town of Kittery, thence upon and
9 along the highway leading to South Eliot, over the bridge
10 across the navigable tide waters of Spinney's creek, and
11 through said South Eliot in a northerly direction upon and
12 along the main or shore road to Sturgeon creek, so called,
13 in said town of Eliot.

Sect. 4. Said company may purchase and hold or lease
2 real estate in said towns of Kittery and Eliot for railway
3 purposes, and also for the purpose of car houses, power
4 houses and waiting rooms, to the amount deemed necessary
5 by the directors. And in case the company is unable to
6 agree with the owners of the land required under this section,
7 and necessary for the convenience of the company, the tak-
8 ing of such land shall be done as provided in chapter 51 of
9 the Revised Statutes.

Sect. 5. Said railroad shall be occupied and used by said
2 company with animal or electrical power. The municipal
3 officers of each of said towns shall have power at all times
4 to make all such regulations valid and binding within the
5 limits of their towns only, as to the rate of speed of cars or
6 trains, and the removal of snow and ice from the streets,

7 roads and highways from and alongside of its tracks at the
8 expense of said railway company, as the public convenience
9 and safety may require.

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

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

Sect. 8. The company may lay its tracks across the tracks
2 of any steam railroad, but the manner and terms of the
3 crossing shall be determined by the railroad commissioners
4 before the crossing is made.

Sect. 9. Said company is hereby authorized to lease all of
2 its property and franchises on such terms as it may deter-
3 mine; also to consolidate with or to acquire by lease, pur-
4 chase, or otherwise, the lines, property and franchises of any
5 other street railway, whose lines as constructed or chartered
6 would form connecting or continuing lines with the lines of
7 this company, and in such case this company shall be enti-
8 tled to all the privileges, and be subject to all appropriate
9 conditions and limitations contained in the charters thus

10 united with or acquired. Whenever any person or corpora-
11 tion shall be lawfully operating any street railway to any
12 point to which this company's tracks extend, this company
13 may enter upon, connect with and use the same on such
14 terms and in such manner as may be agreed upon between
15 the parties.

Sect. 10. The company shall keep and maintain in repair,
2 such portion of the streets, town or county roads as shall be
3 occupied by the tracks of its railroad, and shall make all
4 other repairs of said streets or roads which may be rendered
5 necessary by the occupation of the same by said railroad,
6 and if not repaired upon reasonable notice, such repairs may
7 be made by the town in which the necessity exists, at the
8 expense of said company, and said town may recover all
9 expenses in an action of money paid for the use of said rail-
10 way company. Said company shall be liable for any loss
11 or damage which any person may sustain by reason of any
12 carelessness, neglect or misconduct of its agents or servants,
13 or by reason of any defect in so much of said streets or roads
14 as is occupied by said railway, if such defect arises from
15 neglect or misconduct of the company, its servants or
16 agents.

Sect. 11. If any person shall willfully and maliciously
2 obstruct said corporation in the use of its road or tracks, or
3 the passing of the cars of said company thereon, such per-
4 son, and all who shall aid and abet therein, shall be fined
5 not exceeding two hundred dollars, or imprisoned in a
6 county jail not exceeding sixty days.

Sect. 12. Said company may from time to time, fix such
2 rates of compensation for transporting persons or property,
3 as it may deem expedient, and generally shall have the pow-

4 ers and be subject to all the liabilities of corporations as set
5 forth in the forty-sixth chapter of the Revised Statutes and
6 amendments thereto.

Sect. 13. 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 on the afore mentioned highways subject to the fore-
5 going provisions and conditions, but in no event to cross
6 or go north of said Sturgeon creek.

Sect. 14. Nothing in this act shall be construed to pre-
2 vent the proper authorities of said towns from entering upon
3 and temporarily taking up the soil in any street, town or
4 county road occupied by said railroad, for any purposes for
5 which they may now lawfully take up the same.

Sect. 15. No other corporation or persons shall be permit-
2 ted to construct or maintain any railroad for similar pur-
3 poses over the same streets, roads or ways, that may be law-
4 fully occupied by this corporation.

Sect. 16. Said towns of Kittery and Eliot shall not be
2 liable to pay for any damage to persons or property occa-
3 sioned by any negligence or fault of said railway during
4 construction.

Sect. 17. The directors of this company may, from time
2 to time, raise or borrow for the use and purposes of the com-
3 pany, any sum or sums not exceeding two hundred thousand
4 dollars, by the issue of bonds or debentures in sums of not
5 less than one hundred dollars, on such terms and credit as
6 they may think proper, and may pledge or mortgage all the
7 tools, property, franchise and income of the company or
8 any part thereof, for the repayment of the money so raised or
9 borrowed, and the interest thereon, provided, always, that

10 the consent of a majority in value of the stockholders of the
11 company, shall be first had and obtained at a regular or
12 special meeting to be called and held for that purpose.

Sect. 18. The first meeting of the incorporation under this
2 act, may be called by either of the incorporators giving notice
3 to the others in writing, at least seven days before the time
4 of said meeting, of the time and place of said meeting.

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

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,
March 5, 1897.

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

W. S. COTTON, *Clerk.*