

MAINE STATE LEGISLATURE

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NEW DRAFT.

Sixty-Eighth Legislature.

HOUSE.

No. 340.

STATE OF MAINE.

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

AN ACT to incorporate the Westbrook, Windham and Harrison Railway Company and to authorize municipalities in Cumberland county to aid in the construction of its railway.

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

Section 1. John C. Scates, Russell D. Woodman,
2 Charles M. Waterhouse, Charles B. Woodman and James
3 H. Tolman, of Westbrook, in the county of Cumberland,
4 their associates, successors and assigns, are hereby consti-
5 tuted a corporation by the name of Westbrook, Windham
6 and Harrison Railway Company with authority to con-
7 struct, maintain, use and operate by compressed air,
8 electricity or animal power, a street railway with con-

9 venient single or double tracks, side tracks, switches or
10 turnouts, with any and all necessary or convenient lines
11 of poles, wires, appliances, appurtenances, pipes and con-
12 duits, and compressor, electric and other plants for motive
13 power, beginning on Main street opposite Bridge street
14 in said city of Westbrook, and thence over the main road
15 leading through said city of Westbrook, by the house of
16 Mark Mosher in Gorham to the village of South Windham,
17 and thence through said town of Windham, the towns of
18 Raymond, Casco, Otisfield, Naples and Harrison, to some
19 convenient point in said town of Harrison, upon and over
20 such streets, town roads and highways in said city and
21 said towns as may be fixed and determined by the muni-
22 cipal officers of said city and of the several towns afore-
23 said respectively and assented to in writing by said
24 corporation. Provided, that the aforesaid street railway
25 shall not be extended beyond the village of Naples prior
26 to the first day of November eighteen hundred and ninety-
27 eight, nor thereafter, if the Bridgton and Saco River Rail-
28 road Company shall extend the line of its railroad from
29 its present terminus to Harrison village on or before said
30 first day of November eighteen hundred and ninety-eight ;
31 and in case of the failure on the part of said last named
32 company to so extend its line, the said Westbrook, Wind-
33 ham and Harrison Railway Company shall have the further
34 time of two years from said first day of November eighteen
35 hundred and ninety-eight within which it may extend and
36 build its line of railway from Naples village to Harrison ;
37 and provided further, that said line of street railway shall
38 not anywhere go nearer to the village of Gorham than the
39 corner known as Mosher's, and that the cars of no other

40 street railroad company, whether organized or to be
41 organized under the general law or any special charter
42 shall ever be allowed to run over the tracks of this com-
43 pany between its terminal in the city of Westbrook and
44 Mosher's corner aforesaid; and it is hereby expressly pro-
45 vided that the location of the railway of this company in
46 the main road from Westbrook to Mosher's corner shall
47 constitute no bar to the location of the tracks of any other
48 company which may derive and obtain the right to locate
49 another street railway in the same main road between
50 Westbrook and Mosher's corner.

The written assent of said corporation to any vote of
52 said city and of said towns or of the municipal officers
53 thereof, prescribing from time to time, the routes of such
54 railway and the conditions and restrictions applicable to
55 the maintenance and operation of the same shall be filed
56 with the clerk of said city and the clerks of said towns
57 respectively and shall be taken and deemed to be the loca-
58 tion thereof. Said railway corporation shall have the
59 power from time to time to fix such rates of compensation
60 for transporting persons or property as it may think
61 expedient, and generally shall have all the powers and be
62 subject to all the liabilities of corporations, as set forth in
63 the forty-sixth chapter of the Revised Statutes.

Sect. 2. If the municipal officers of said city or either
2 of said towns upon a written application therefor neglect
3 for thirty days to approve such a route and location as to
4 streets, town roads or highways, or if they refuse to ap-
5 prove such a route and location, or if such route and
6 location approved by them is not accepted by the corpora-
7 tion, in either case, said corporation may appeal to the

8 next term of the supreme judicial court to be held in any
9 county where any part of said railway is located, more
10 than thirty days from the expiration of said thirty days or
11 from the date of such refusal, or from the approval of a
12 location that is not accepted by the corporation, as the
13 case may be, excluding the day of the commencement of
14 the session of said court. The appellants shall serve
15 written notice of such appeal upon said municipal officers
16 fourteen days at least before the session of said court,
17 and shall at the first term file a complaint setting forth
18 substantially the facts of the case. If the appeal is then
19 entered, and not afterwards, the court shall appoint a
20 committee of three disinterested persons who shall be
21 sworn, and if one of them dies, declines, or becomes
22 interested, the court may appoint some suitable person in
23 his place, and they shall give such notice as the court has
24 ordered, view the proposed route or routes, and location
25 or locations, and make their report at the next term of
26 the court after their appointment, defining therein the
27 route and location as to streets or ways as determined by
28 them, which after acceptance and entry of judgment
29 thereon, shall forthwith be certified to the clerk of the
30 city or town to which said judgment relates in lieu of the
31 approval of the municipal officers. Costs may be taxed
32 and allowed as the court may order. A failure to appeal
33 shall not bar the corporation from making a new applica-
34 tion to the municipal officers.

Sect. 3. The municipal officers of said city and of said
2 towns shall have the power, at all times, to make all such
3 regulations as to form of rail, grade of roadbed, appli-
4 ances and safeguards, rate of speed, and removal of snow

5 and ice from the streets, town roads and highways by
6 said company, as the public convenience and safety may
7 require. Said corporation shall keep and maintain in
8 repair such portions of the streets, town roads and high-
9 ways and bridges as shall be occupied by the tracks of its
10 railway and for a space of eighteen inches outside of each
11 rail, and shall make all other changes and repairs of said
12 streets and roads as may be rendered necessary by the
13 occupation of the same by said railway.

Sect. 4. Said corporation outside of the limits of streets,
2 roads or ways for the location, construction and con-
3 venient use of its road, may purchase or take and hold by
4 its location as for public uses, land and all materials upon
5 it, whenever for any reason it appears to be impracticable
6 to locate such railway within the limits of said streets,
7 roads or ways, and it shall be so found by the board of
8 railroad commissioners, but the land so taken shall not
9 exceed four rods in width unless necessary for excavation,
10 embankments or materials; and the location of said rail-
11 way upon land taken by virtue of this section shall be
12 filed and the estimation and payment of damages for land
13 so taken shall be made in accordance with the provisions
14 of chapter fifty-one of the Revised Statutes.

Sect. 5. All acts required by this act to be done by
2 said corporation, may be delegated by said corporation to
3 its board of directors.

Sect. 6. Said Westbrook, Windham and Harrison
2 Railway Company is hereby authorized to issue bonds in
3 such amounts and on such time and terms as it may from
4 time to time determine, for any money which it may bor-
5 row, and secure the same by mortgages of its franchises,

6 railways and property or by mortgages of its income or
7 both. All bonds which shall be issued by said company
8 shall be binding and legal, notwithstanding such bonds
9 may be negotiated and sold by said company, or its
10 agents, at less than par value.

Sect. 7. Said Westbrook, Windham and Harrison Rail-
2 way Company shall have the power to aid, or invest its funds,
3 in the construction, maintenance or carrying on of summer
4 hotels, summer or shore resorts, or amusements at such
5 resorts.

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

Sect. 9. Said corporation shall be liable for any loss
2 or damage which any person may sustain by reason of
3 any neglect or misconduct of its agents or servants, or
4 by reason of any defect in said streets, town roads or
5 highways occupied by said railway if such defect arise
6 from neglect or misconduct of the corporation, its ser-
7 vants or agents. Said corporation shall be liable for all
8 damages caused by its electric current to water and gas
9 pipes.

Sect. 10. 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 the cars or carriages of said
4 corporation thereon, such person and all who aid and abet
5 therein, shall be punished by a fine not exceeding two
6 hundred dollars, or may be imprisoned in the county jail
7 for a period not exceeding sixty days.

Sect. 11. Said corporation may lease, purchase, re-
2 ceive, let, dispose of, or hold such real or personal estate
3 and water or other motive power as may be necessary for
4 the purposes and management of said railway and power
5 plants and stations.

Sect. 12. 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 may be approved by the municipal officers
5 of said city and said towns respectively, and upon such
6 grades as the municipal officers of said city or towns
7 respectively may direct; and whenever in the judgment
8 of said corporation it shall be deemed necessary to alter
9 the grade of any street, town road or highway, said altera-
10 tion may be made at the expense of said corporation,
11 provided, the same shall be assented to in writing by the
12 municipal officers of said city or of said towns respec-
13 tively. If the tracks of said corporation's railway cross
14 any other railway of any kind in either said city or towns
15 and a dispute arises in any way in regard to the manner
16 of crossing, the board of railroad commissioners of the
17 state, shall, upon hearing, decide and determine in writ-
18 ing, in what manner the crossing shall be made and it
19 shall be constructed accordingly.

Sect. 13. Said corporation may at any time change the location of any of its railways in the streets, town roads and highways of said city and said towns by first obtaining the consent of the municipal officers of said city or towns respectively, and may make additional locations, subject to the foregoing provisions and conditions of this charter, but shall not be compelled to change a location once established as hereinbefore provided.

Sect. 14. Nothing in this act shall be construed to prevent the proper authorities of said city or towns respectively, from entering upon and temporarily taking up the soil, paving or planking in any street, town road or highway occupied by said railway, or the tracks, planking or timbers of its railroad for any purpose for which said city or towns may now lawfully take up the same for purposes of reconstruction or repairs.

Sect. 15. Any city or town in the counties of Cumberland and Oxford deeming themselves interested in having said railroad constructed, or to be benefited thereby, may subscribe at par value for any amount of said stock, or loan their credit upon such terms and upon such securities as may be mutually agreed upon or may not subscribe for stock and loan their credit as aforesaid by a vote of the legal voters of any such city or town present at any meeting legally called therefor, not to exceed the percentage prescribed by law of the valuation of such city or town, and such vote shall be obligatory on such city or town for the payment of the amount so subscribed or loaned on such time or terms as may be agreed upon by them and the company and all stock so subscribed for by such city or town

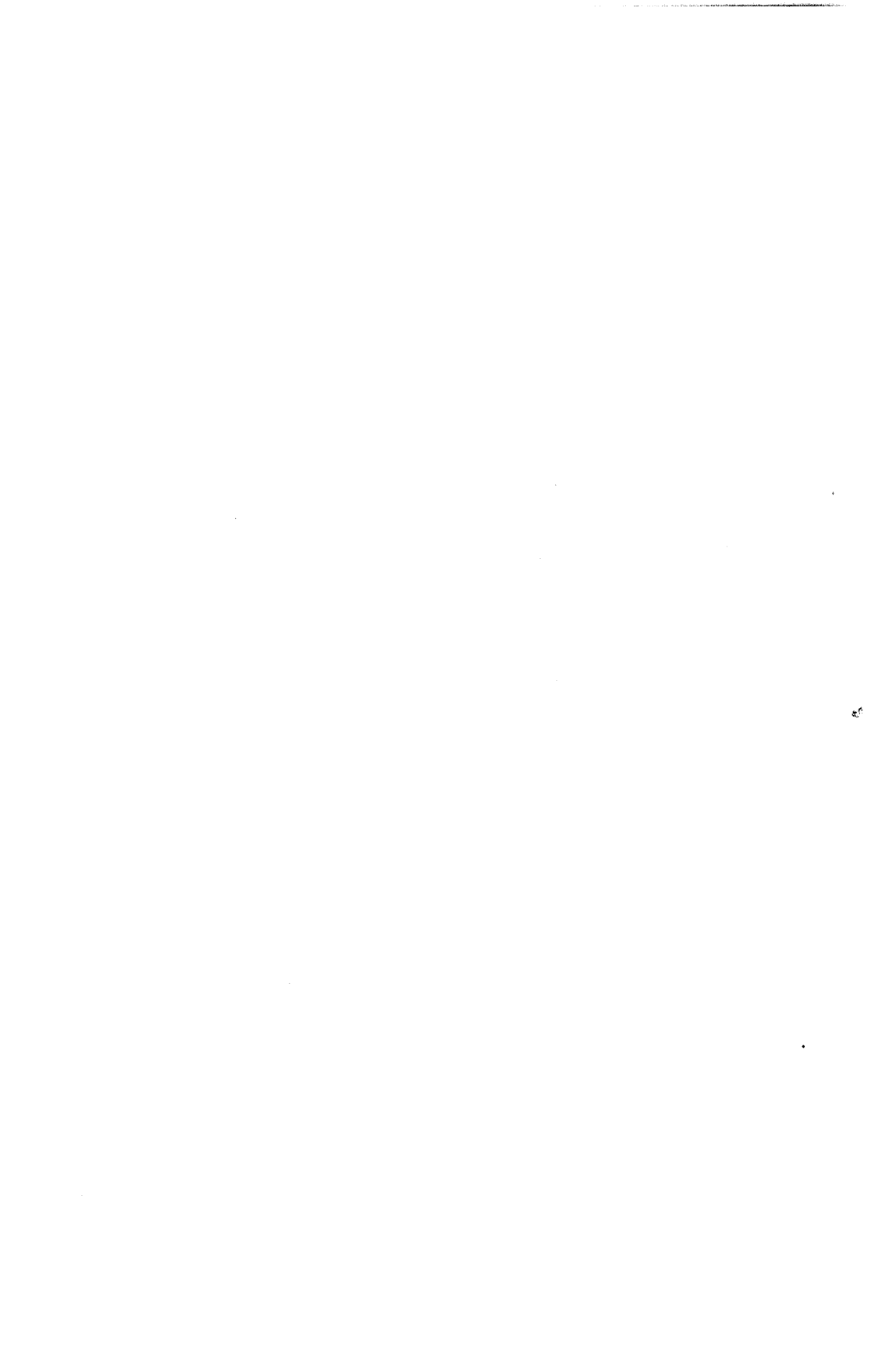
16 shall be represented in said corporation by the municipal
17 authorities thereof, and any such city or town specified in
18 this section may in such vote designate on what part of
19 said railroad line, if any, in such city or town, any money
20 so voted to be raised by such town shall be expended and
21 used, and said corporation shall expend and use all such
22 money in the manner designated by such vote and in no
23 other manner.

Sect. 16. 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
5 any special subject, power or matter.

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

Sect. 18. This charter is granted upon the express
2 condition that no part of its line of street railway shall be
3 used, except for purposes of construction, until at least
4 ten miles of its line beginning at the Westbrook terminal
5 shall have been constructed and finished, and if at least
6 ten miles of its line beginning at its Westbrook terminal
7 shall not be constructed, finished and in operation on or
8 before the first day of November eighteen hundred and
9 ninety-eight, then this charter shall be null and void and
10 all rights of this company, even as to any part of its
11 line which may have been constructed shall cease and
12 terminate.

Sect. 19. The first meeting of said corporation may be
2 called by one of the corporators giving written notice to
3 the others, of the time and place of the meeting, at least
4 seven days before the meeting.



STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES

March 19, 1897.

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

W. S. COTTON, *Clerk*