

# MAINE STATE LEGISLATURE

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# Seventy-first Legislature.

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HOUSE.

No. 22

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND THREE.

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AN ACT to grant additional powers to the Portsmouth, Kittery  
& York Street Railway.

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

Section 1. The Portsmouth, Kittery & York Street Rail-  
2 way for the purpose of improving the alignment of its road,  
3 for changing the grades thereof, for switches, turnouts, side  
4 tracks, spur tracks, stations, car barns, gravel pits or power  
5 houses, may purchase and take and hold as for public uses  
6 any land and all materials in and upon it, except meeting  
7 houses, dwelling houses, public or private burying grounds,  
8 or land already devoted to any railroad use, and may excavate  
9 or construct in, through or over such land to carry out its  
10 purposes, but the land so taken for switches, spur tracks and  
11 side tracks shall not exceed four rods in width unless neces-

12 sary for excavation, embankment or material. All lands so  
13 taken except for switches, turnouts and side tracks shall be  
14 subject to the provisions of section sixteen of chapter fifty-  
15 one of the Revised Statutes. It may enter upon such lands  
16 to make surveys and locations, and plans of all locations so  
17 taken shall be filed with the clerk of courts in the county of  
18 York, and when so filed such land shall be deemed and treated  
19 as taken. All damages therefor shall be estimated and paid  
20 as in the case of taking lands for railroads.

Sect. 2. The Portsmouth, Kittery & York Street Railway  
2 is hereby authorized to sell or lease its property and franchises  
3 to any street railroad whose lines as constructed or chartered  
4 would form connecting or continuous lines with the lines of  
5 said Portsmouth, Kittery & York Street Railway as con-  
6 structed or chartered, and in such case the corporation so  
7 purchasing or leasing such property and franchises shall be  
8 entitled to all the privileges and be subject to all appropriate  
9 conditions and limitations contained in the charter and fran-  
10 chise of said Portsmouth, Kittery & York Street Railway.  
11 Any street railroad company whose lines as constructed or  
12 chartered would form connecting or continuous lines with the  
13 lines of the said Portsmouth, Kittery & York Street Railway  
14 as constructed or chartered is hereby authorized so to pur-  
15 chase or lease the property and franchises of the said Ports-  
16 mouth, Kittery & York Street Railway.

Sect. 3. The said Portsmouth, Kittery & York Street Rail-  
2 way is further authorized to consolidate with or to acquire  
3 by lease, purchase or otherwise lines, property and franchises  
4 of any street railroad or street railroads whose lines as con-  
5 structed or chartered would form connecting or continuous  
6 lines with the lines of the said Portsmouth, Kittery & York  
7 Street Railway as constructed or chartered, and in such case  
8 the Portsmouth, Kittery & York Street Railway shall be  
9 entitled to all the privileges and be subject to all appropriate

10 conditions and limitations contained in the charters and fran-  
11 chises thus united with or acquired. Any street railroad  
12 company whose lines as constructed or chartered would form  
13 connecting or continuous lines with the lines of the Ports-  
14 mouth, Kittery & York Street Railway as constructed or  
15 chartered is hereby authorized to consolidate with or to lease  
16 or to sell its lines, property and franchises as in this section  
17 authorized.

Sect. 4. All proceedings, suits at law or in equity which  
2 may be pending at the time of any transfer authorized by this  
3 act to which any corporation so transferring its property and  
4 franchises may be a party may be prosecuted or defended by  
5 the corporation so acquiring the same in like manner and with  
6 like effect as if such transfer had not been made. All claims,  
7 contracts, rights and causes of action of or against any cor-  
8 poration so selling or leasing, at law or in equity, may be  
9 enforced by suit or action to be begun or prosecuted by or  
10 against the corporation so acquiring property and franchises  
11 as aforesaid.

Sect. 5. When any transfer authorized by this act is carried  
2 out and fully completed the corporation acquiring any fran-  
3 chise hereunder shall be liable for the then legally existing  
4 debts and obligations of the corporation so making such  
5 transfer.

Sect. 6. Any corporation acquiring property and franchises  
2 by virtue of this act may issue its stock to an amount suffi-  
3 cient therefor, and also its bonds secured by appropriate mort-  
4 gages upon its property and franchise in such amounts as  
5 may be required for the purposes of this act, and thereafter-  
6 wards may issue its stock and bonds in payment and exchange  
7 for the stock, bonds, franchises and property of the corpora-  
8 tion making any transfer authorized by this act, in such man-  
9 ner and in such amounts as may be agreed upon.

Sect. 7. The said Portsmouth, Kittery & York Street Railway for the purpose of funding its floating debt, for extensions, additions and improvements, and for the purposes of this act may issue its bonds from time to time as may be deemed expedient, and in such amounts as may be required therefor and secure the same by appropriate mortgages upon its franchises and property.

Sect. 8. The locations of all rails, posts, wires and fixtures within the limits of any street, road or way as now established by said Portsmouth, Kittery & York Street Railway are hereby confirmed and made valid.

Sect. 9. This act shall take effect when approved.

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## STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,  
AUGUSTA, January 29, 1903.

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

W. S. COTTON, *Clerk.*