

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

OF THE

SIXTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE

1895.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA:
BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1895.

PRIVATE AND SPECIAL LAWS
OF THE
STATE OF MAINE.

1895.

Chapter 124.

An Act to incorporate the Wells Beach and Ogunquit Electric Railroad Company, and to authorize the construction of same across tide waters.

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

SECT. 1. Charles W. Tibbetts, William H. Eaton, Walter D. Davis, William S. Wells, Joseph H. Mildram, F. M. Boire, William U. Littlefield, Herbert L. Moulton, N. P. M. Jacobs, Byron K. Mitchell, Joseph B. Brackett, Oscar J. Hubbard, Aaron H. Littlefield and Ransom B. Crook, their associates, successors and assigns, are hereby made a body corporate and politic by the name of the Wells Beach and Ogunquit Electric Railroad Company, with power to construct, maintain, equip and operate a street railroad with convenient single and double track, from Wells Beach station on the western division of the Boston and Maine Railroad in the town of Wells, to Wells beach, Ogunquit beach and Ogunquit village, all in the town of Wells, and upon any street, roads or highways in said town as may be necessary for the public accommodation, and to lay branches or side tracks over and upon any street or highway in said town, and to erect and maintain in any such street or highway all necessary or convenient lines of poles, wires, appliances and appurtenances subject to the general laws of the state regulating the erection of posts and lines for the purposes of electricity, and may also erect and maintain all necessary and convenient power stations and car houses.

SECT. 2. Said corporation before commencing the construction of its road, shall present to the railroad commissioners a petition for approval of location defining its courses, distances and boundaries, accompanied with a map of the proposed route on an appropriate scale, with the written approval of the proposed route and location as to the streets, roads or ways, of the municipal officers of said town of Wells, and with a report and estimate prepared by a skillful engineer. If the municipal officers upon a written application therefor, neglect for thirty days to approve a route and location as to streets, roads or ways, or if they refuse to approve such a route and location, or if such route and location approved by them is not accepted by the corporation, in either case, said corporation may appeal to the next term of

Corporators.

Corporate name.

—authorized to construct a street railroad.

—location.

Shall present to R. R. commissioners petition for approval of location.

—if municipal officers do not approve location, or location is not accepted, Co. may appeal to S. J. court.

CHAP. 124 the supreme judicial court to be held in York county more than thirty days from the expiration of said thirty days or from the date of such refusal, or from the approval of the location that is not accepted by the corporation, as the case may be, excluding the day of the commencement of the session of said court. The appellants shall serve written notice of such appeal upon said municipal officers fourteen days at least before the session of said court, and shall at the first term file a complaint setting forth substantially the facts of the case. If the appeal is then entered, and not afterwards, the court shall appoint a committee of three disinterested persons who shall be sworn, and if one of them dies, declines or becomes interested, the court may appoint some suitable person in his place, and they shall give such notice as the court has ordered, view the proposed route or routes and location or locations, and make their report at the next term of the court after their appointment, defining therein the route and location as to streets or ways as determined by them, which after acceptance and entry of judgment thereon shall forthwith be certified to the railroad commissioners and received by them in lieu of the approval of the municipal officers. Costs may be taxed and allowed as the court may order. A failure to appeal shall not bar the corporation from making a new application to the municipal officers. Said commissioners shall, subject to the provisions of section three, upon presentation of such petition, endorse their approval thereon, and the corporation may then proceed with the construction of said road, provided, that it first file with the clerk of the court of county commissioners of York county a copy of the location and plan aforesaid. Any extension of, addition to, or variation from the location may be made in accordance with, and subject to the limitation of the foregoing provisions.

—proceedings
in case of
appeal.

—shall file
plan as
approved,
with Co. com-
missioners of
York Co.

May take land
outside of
street limits,
when needed.

SECT. 3. Said corporation outside of the limits of streets, roads or ways, for the location, construction and convenient use of its road, may purchase or take and hold by its location aforesaid, as for public uses, land and all materials in and upon it, whenever for any reason it appears to be impracticable to locate said railroad within the limits of said streets, roads or ways, but the land so taken shall not exceed four rods in width unless necessary for excavations, embankments or materials; but no location outside of the limits of any

street, road or way, shall be approved by said commissioners, unless it appears to be impracticable to locate said railroad within the limits of said streets, roads or ways. All damages under this section shall be determined and paid in the manner, and under the proceedings provided by chapter fifty-one of the revised statutes for lands taken for steam railroads.

—damages under this section, how determined.

SECT. 4. Said railroad shall be constructed in such form and manner, with such rails, and upon such grade, as the municipal officers of Wells may direct, and whenever in the judgment of said corporation it shall be necessary to alter the grade of any street, town or county road, said alterations shall be made at the sole expense of said corporation, with the assent and in accordance with the directions of said municipal officers. If the tracks of said railroad shall cross any steam railway and a dispute arises in any way in regard to the manner of crossing, the board of railroad commissioners shall, upon hearing, decide and determine in writing in what manner the crossing shall be made, and it shall be constructed accordingly.

Municipal officers shall prescribe manner of construction, rails and grade.

Crossings of any R. R., how determined.

SECT. 5. The municipal officers of said Wells shall have power at all times to make all such regulations as to the mode of use of tracks of said railroad, the rate of speed, and the removal and disposal of snow and ice from the streets, roads and ways as the public safety and convenience may require.

Municipal officers may regulate speed, and removal of snow.

SECT. 6. Said corporation shall keep and maintain in repair such portions of the streets, roads or ways, as shall be by it occupied, and shall make all other repairs therein, rendered necessary by such occupation. If not repaired upon reasonable notice, such repairs may be made by said town at the expense of said corporation.

Corporation shall keep in repair such portions of streets as it occupies.

SECT. 7. Said corporation shall be liable for any loss or damage which any person may sustain, by reason of any carelessness, neglect or misconduct of said corporation, its agents or servants, or by reason of any obstructions or defects in any street or road caused by the negligence of said corporation, its agents or servants, and shall hold the town harmless from any suits for such loss or damages; provided, said corporation shall have notice of any such suit, and shall be allowed to defend.

Liable for carelessness or neglect.

—proviso.

SECT. 8. If any person shall willfully and maliciously obstruct said corporation in the use of its roads, tracks or property, or the passing of cars thereon, such person and all

Penalty for obstructing corporation.

CHAP. 124

who shall aid or abet therein shall be punished by a fine not exceeding two hundred dollars, or by imprisonment in the county jail for a period not exceeding sixty days.

Running of cars in winter may be discontinued, on conditions imposed by municipal officers.

SECT. 9. Upon written application by said corporation, to the municipal officers of said Wells, and hearing thereon, the municipal officers may authorize said corporation to discontinue the running of its cars, during such portions of the winter months, and upon such terms and conditions as they may determine; said company may appeal from such decision to the board of railroad commissioners, who shall, after reasonable notice and hearing, make such a determination thereon as shall be reasonable and proper, and their decision shall be final.

—appeal may be taken to R. R. commissioners.

May lay tracks over any bridge in Wells, and build bridge over tide water, with approval of R. R. commissioners.

SECT. 10. Said corporation shall have power to lay its tracks along or over any bridge or bridges in the town of Wells, now constructed or that may be hereafter constructed by said town across tide waters, and if necessary may construct bridges across and over the Webhannet river and the Ogunquit river at any place above the Ogunquit bridge; if it shall construct a bridge across and over the Webhannet river below the Island Ledge bridge, the same shall be constructed with a suitable draw so as not to impede navigation. Before laying its tracks along or over any bridge or bridges maintained by the town of Wells, said corporation shall receive the written approval of the railroad commissioners, and if in the judgment of said commissioners it shall be necessary to strengthen such bridge or bridges, they may determine how such bridges shall be strengthened, and how the cost of strengthening said bridges shall be apportioned between said corporation and the town of Wells.

Capital stock.

SECT. 11. The capital stock of said corporation shall be one hundred thousand dollars, subject to increase to any amount necessary for the purposes authorized by this act by a vote of not less than a majority of all the capital stock then issued and outstanding. When one-quarter of its capital stock shall have been actually paid in, said corporation may mortgage its property and franchises for the purpose of extending its lines or providing for the equipment of said road, and for this purpose may issue bonds to the extent of capital actually paid in, to be secured by such mortgage or mortgages, provided, such issue of bonds and mortgages shall be author-

When Co. may issue bonds and mortgage property.

ized by a vote of not less than three-quarters of the capital stock then issued and outstanding. CHAP. 124

SECT. 12. Said corporation may make such by-laws as may be necessary, not inconsistent with the laws of the state and the provisions of this act. By-laws.

SECT. 13. Said corporation may fix from time to time, such rates of compensation for transporting persons and property on said railroad as it may deem reasonable. May fix rates of transportation.

SECT. 14. Any three of the persons hereinbefore named as incorporators, may call the first meeting of said corporation by notice given by publication in some newspaper published in York county, or by giving personal notice to the other persons named as incorporators, at least ten days prior to the time of meeting, at which first meeting by-laws may be adopted, and the directors of said corporation be chosen. —first meeting.

SECT. 15. If said corporation shall not within three years after the date of the approval of this act, begin the construction of its road and expend thereon at least ten thousand dollars, its corporate existence and power shall cease, but the railroad commissioners shall have power to revive this charter after lapse by failure to proceed with its construction within the time before limited, upon an application made to them therefor by the directors of said corporation after notice and hearing thereon. When corporate existence shall cease.

SECT. 16. This act shall take effect when approved. —how charter may be revived.

Approved March 5, 1895.