

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

OF THE

## SIXTY-EIGHTH LEGISLATURE

OF THE

## STATE OF MAINE

1897

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
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PRIVATE AND SPECIAL LAWS  
OF THE  
STATE OF MAINE.

1897.

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thirty-eight and thirty-nine of chapter ninety-one of the revised statutes for enforcing liens on logs and lumber. CHAP. 484

Sect. 4. When said corporation shall have received from tolls its outlay on dams and improvements, and the repairs made up to that time and eight per cent interest, then the tolls shall be reduced, pro rata, to a sum sufficient to keep the works in repair.

When tolls shall be reduced.

Sect. 5. This act shall take effect when approved.

Approved March 20, 1897.

### Chapter 484.

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:

Sect. 1. Frank E. Rowell, Horace Mitchell, Willard T. Spiney and James H. Walker of Kittery in the county of York, and J. L. M. Willis, H. I. Durgin and T. F. Staples of Eliot in said county, their associates, successors and assigns, are hereby made and constituted a body corporate, by the name of the Kittery and Eliot Street Railway Company, for the purpose of constructing and operating street railways.

Corporators.

—corporate name.

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

Capital stock.

Sect. 3. The company shall have the right, from the going into force of this act, of constructing, maintaining and operating a line or lines of single or double track railway, with the necessary side tracks, switches and turnouts, and other appliances for operating its cars upon and along the following streets, roads or highways of the towns of Kittery and Eliot, commencing at some convenient point on Government street in said town of Kittery, thence upon and along the highway leading to South Eliot, over the bridge across the navigable tide waters of Spiney's creek, and through said South Eliot in a northerly direction upon and along the main or shore road to Sturgeon creek, so called, in said town of Eliot.

Authorized to construct railway.

—location.

Sect. 4. Said company may purchase and hold or lease real estate in said towns of Kittery and Eliot for railway purposes, and also for the purpose of car houses, power houses and waiting

May hold real estate.

CHAP. 484

—how land may be taken.

May use animal or electrical power.

—town officers may regulate speed and removal of snow.

Tracks shall be, etc., laid as town officers direct.

Road shall be constructed in such manner as to secure safety of travelers.

Manner of crossing other railroads, shall be determined by railroad commissioners.

May lease to, or consolidate with other lines.

—may connect with other lines.

rooms, to the amount deemed necessary by the directors. And in case the company is unable to agree with the owners of the land required under this section, and necessary for the convenience of the company, the taking of such land shall be done as provided in chapter fifty-one of the revised statutes.

Sect. 5. Said railroad shall be occupied and used by said company with animal or electrical power. The municipal officers of each of said towns shall have power at all times to make all such regulations valid and binding within the limits of their towns only, as to the rate of speed of cars or trains, and the removal of snow and ice from the streets, roads and highways from and alongside of its tracks at the expense of said railway company, as the public convenience and safety may require.

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

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

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

Sect. 9. Said company is hereby authorized to lease all of its property and franchises on such terms as it may determine; also to consolidate with or to acquire by lease, purchase, or otherwise, the lines, property and franchises of any other street railway, whose lines as constructed or chartered would form connecting or continuing lines with the lines of this company, and in such case this company shall be entitled to all the privileges, and be subject to all appropriate conditions and limitations contained in the charters thus united with or acquired. Whenever any person or corporation shall be lawfully operating any street railway to any point to which this company's tracks extend,

this company may enter upon, connect with and use the same on such terms and in such manner as may be agreed upon between the parties.

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

Shall keep such portion of streets, occupied by it, in repair.

—liable for damage caused by neglect.

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

Penalty for obstructing use of road.

Sect. 12. Said company may, from time to time, fix such rates of compensation for transporting persons or property, as it may deem expedient, and generally shall have the powers and be subject to all the liabilities of corporations as set forth in the forty-sixth chapter of the revised statutes and amendments thereto.

May fix rates of transportation.

Sect. 13. Said corporation may change the location of said railroad by first obtaining the written consent of the municipal officers of said towns, and make additional locations on the afore mentioned highways subject to the foregoing provisions and conditions, but in no event to cross or go north of said Sturgeon creek.

May change location, by consent of town officers.

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

Power of town authorities, over streets shall not be restricted.

## CHAP. 485

Exclu-  
sive right  
granted.

Sect. 15. No other corporation or persons shall be permitted to construct or maintain any railroad for similar purposes over the same streets, roads or ways, that may be lawfully occupied by this corporation.

Towns shall  
not be lia-  
ble for neg-  
ligence of  
railway.

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

May issue  
bonds and  
mortgage  
property.

Sect. 17. The directors of this company may, from time to time, raise or borrow for the use and purposes of the company, any sum or sums not exceeding two hundred thousand dollars, by the issue of bonds or debentures in sums of not less than one hundred dollars, and not exceeding the amount of capital stock subscribed for, on such terms and credit as they may think proper, and may pledge or mortgage all the tools, property, franchise and income of the company or any part thereof, for the repayment of the money so raised or borrowed, and the interest thereon, provided, always, that the consent of a majority in value of the stockholders of the company, shall be first had and obtained at a regular or special meeting to be called and held for that purpose.

First meet-  
ing, how  
called.

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

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

Approved March 20, 1897.

### Chapter 485.

An Act to incorporate the Lubec Electric Light and Power Company.

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

Corpora-  
tors.

Sect. 1. Clarence H. Clark, Bion M. Pike, Clarence E. Watts, Charles J. Staples, Robert G. McBride, Alexander B. Sumner and Jacob C. Pike, their associates, successors and assigns, are hereby made a body corporate by the name of Lubec Electric Light and Power Company, with all the powers, rights and privileges, and subject to all the duties and obligations conferred and imposed on corporations by law, except as otherwise provided herein.

—corporate  
name.