

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-THIRD LEGISLATURE
OF THE
STATE OF MAINE
1907.

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

AUGUSTA
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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1907.

river when frozen; nor shall any sewage, drainage, refuse, or polluting matter, of such kind and amount as, either by itself or in connection with other matter, will tend to corrupt or impair the purity of the waters of said ponds and river, to tend to render them injurious to health, be discharged into said ponds and river, or deposited therein or thereon. But nothing herein shall prohibit the cultivation and use of the soil in the ordinary methods of agriculture, if no human excrement or foul or decaying matter is used thereon within five hundred feet of high water on the shores of said ponds and river.

—cultivation
of adjacent
soil.

Section 3. Whoever violates any of the provisions of the foregoing sections shall be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding one year. The supreme judicial court shall have jurisdiction in equity to enjoin, prevent, or restrain any violation of the foregoing provisions.

Penalty for
violation of
this act.

Section 4. This act shall take effect when approved.

Approved March 21, 1907.

Chapter 342.

An Act to incorporate the Ocean and Northern Railroad Company.

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

Section 1. Everard H. Greely, John A. Peters, Henry W. Cushman, Lyndon McGown, Henry M. Hall and Bedford E. Tracy, their associates and successors, are hereby incorporated into a corporation under the name of Ocean and Northern Railroad Company, with all the powers, rights and privileges, and subject to all the duties, restrictions and obligations conferred and imposed on railroad corporations by the laws of the state of Maine.

Corporators.

—corporate
name.

Section 2. Said company shall have the right to locate, construct, equip, maintain, operate or lease a railroad from some point in plantation Number thirty-three in the county of Hancock, through the county of Hancock by such route as the directors of said company may select, to some point in the town of Winter Harbor in said county of Hancock, or to some point in the city of Ellsworth, in said county of Hancock, or to either or both of said points.

Rights and
powers.

Section 3. The capital stock of said company, shall be fixed at the first meeting of said company, with the right to increase the same up to one million dollars, and shall be divided into shares of one hundred dollars each.

Capital
stock.

CHAP. 342

May take
and hold
real and
personal
property.

Section 4. Said company for all its said purposes may take and hold real and personal property sufficient, necessary and convenient therefor, subject, however, to the general laws of the state.

Damages,
how deter-
mined.

Section 5. For the purposes of determining the damages for property taken by said railroad company under this act or the laws of the state, the property owner or the said railroad company may within three years after filing plans of location, apply to the commissioners of said county of Hancock and have such damages assessed as are provided by law in case land is taken by railroads, so far as the same may be consistent with the provisions of this act, and whenever inconsistent or at variance with this act, the act shall control.

—failure to
pay
damages.

If the railroad company shall fail to pay said property owner, or to deposit for his use with the clerk of the county commissioners such sum as may be finally awarded as damages, with costs, within ninety days after final judgment, the said location across the premises of such property owner shall be thereby invalidated and the company forfeits its right under the same.

—costs,
recovery of.

If a property owner secures more damages than were tendered by said company, he shall recover costs; otherwise the company shall recover costs.

—may
require
company to
file bond.

In case the company shall begin to occupy any property before the rendition of final judgment, the owner may require said company to file its bond to him with the county commissioners in such sum and with such sureties as they approve, conditioned for said payment or deposit.

—failure to
apply for
damages.

Failure to apply for damages within said three years by any property owner shall be held to be a waiver of the same.

—when
action may
be brought.

No action shall be brought against such railroad company for the taking and occupation of property until after failure to pay or deposit as aforesaid, or refusal to file bond as above provided.

May issue
bonds.

Section 6. For carrying out the purposes of the corporation, including the surveying, locating, constructing, equipping, maintaining, or operating of said railroad and all proper expenses in its business, said company may issue its bonds in such amounts and on such time, terms and conditions as it may see fit, and secure them by a mortgage of the entire property and franchise of the company, acquired or to be acquired, or upon any part thereof.

Why this
charter is
granted.

Section 7. This charter is granted inasmuch as the objects thereof cannot be attained under the general laws of the state of Maine.

CHAP. 342

The said company is empowered to maintain bridges across tide waters, lakes, ponds and navigable rivers and streams which its railroad may cross, provided that they shall be so constructed as not to unnecessarily obstruct the navigation of such waters.

May cross tide waters, etc., but shall not obstruct navigation.

Said company may cross the right of way of the Maine Central Railroad Company or the Washington County Railway by an overhead or under crossing, to be constructed and maintained wholly at the expense of the Ocean and Northern Railroad Company, but not at grade unless by mutual agreement of the corporations interested, and upon such terms and conditions as may be agreed upon by said Ocean and Northern Railroad Company and the Maine Central Railroad Company or by said Ocean and Northern Railroad Company and the Washington County Railway, and approved by the railroad commissioners; and said Ocean and Northern Railroad Company, said Maine Central Railroad Company and said Washington County Railway Company are hereby authorized to make any agreements and arrangements for crossings, connections, interchange of business and mutual convenience which they may see fit, subject to the approval of the railroad commissioners.

—may cross right of way of M. C. and Washington Co. Railroads.

—may make agreements, etc., for crossings and traffic.

Section 8. The officers of said corporation shall consist of a board of directors, president, clerk, treasurer, and such others as may be provided in the by-laws. The powers and duties of the officers shall be such as are prescribed in the by-laws.

Officers.

Section 9. The first meeting of said company shall be called by a written notice signed by any one corporator above named, stating the time and place of meeting, served upon the other corporators above named, either personally or by leaving the same at the last and usual place of abode of each at least five days before the time of such meeting, or said meeting may be called by a written notice signed by any one corporator above named stating the time and place of meeting, published in the Ellsworth American, a newspaper published at Ellsworth, in said county of Hancock, at least five days before the time of such meeting. In either case, the certificate of the signer of the notice shall be sufficient proof as to the service or publication of the notice.

First meeting, how called.

Approved March 21, 1907.