

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)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

24

January 30, 1956.

To Clarence E. Hart, Engineer, Right of Way Division, Highway
Re: Railroad Titles

Your request of January 27th regarding conveyances of railroad rights of way is acknowledged.

1. "To and by or along the railroad". It is my opinion that the word "railroad" is used in the general sense and refers to the land occupied by the railroad. It would mean the same as "to the highway", in other words, the complete right of way as opposed to the wrought portion of the way. The term "railroad" means all the land used by the railroad for railroad purposes as opposed to the railroad tracks, which would be the equivalent of our wrought portion of the way. Obviously, railroad fences would be a definite bound.

2. "Conveyances including land generally described, but excepting the railroad". In these cases, the railroad easement would revert to the original owner and his heirs.

3. "Bounded by the railroad". This is the same situation as in 1.

4. "Conveyances of land with no mention of the railroad". In these cases, the land as described was conveyed and if this description included land that had been obtained by the railroad the conveyance would include the reversionary rights.

L. Smith Dunnack
Assistant Attorney General

LSD/ek
cc: Mr. Stevens
Attorney General