

MAINE STATE LEGISLATURE

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Seventieth Legislature.

HOUSE.

No. 194

STATE OF MAINE.

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

AN ACT to establish the Hancock County Railway Company.

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

Section 1. I. L. Halman, George M. Warren, Myer Gal-
2 lert, J. T. Giles, W. E. Emery, A. C. Hinckley, Henry W.
3 Sargent, S. D. Leavitt their associates and successors, are
4 hereby incorporated into a corporation, under the name of
5 the Hancock County Railway Company, for the purpose of
6 building, constructing, maintaining and operating by elec-
7 trical, steam, animal, water, or other power, a railway for
8 passenger and freight transportation, with such single or
9 double tracks, side tracks, switches, turn-outs, stations and
10 appurtenances, and with such poles, wires, appliances and
11 appurtenances, as may seem advisable and desirable to said
12 company, between the western terminus of the Washington

13 County Railroad, in the town of Hancock, in the county of
14 Hancock, and such point within the limits of the town of
15 Castine, in said county of Hancock, as may seem to said
16 company desirable, together with the right to cross the tide
17 waters of Union river, so called, within the limits of the city
18 of Ellsworth, upon bridges of said city, or upon bridges of
19 said company erected therefor, and together also with the
20 right to lay their said tracks and place their poles, wires and
21 appliances, and to operate said railway in, across, along and
22 over such streets within the limits of said city of Ellsworth,
23 and within the limits of the towns of Surry, Bluehill, Sedg-
24 wick, Brooklin, Brooksville, Penobscot and Castine, as may
25 be assented to in writing by the municipal officers of said
26 city and towns at any meeting thereof upon petition of said
27 company, and together, also, with the right to cross tide
28 waters and navigable waters within the limits of any of said
29 towns mentioned, upon existing bridges or upon bridges of
30 said company erected therefor, provided, however, that said
31 railway company shall not unnecessarily obstruct navigation,
32 and that the manner and conditions of its so crossing said
33 river or tide waters, or navigable waters, upon any bridges,
34 and of its erecting and maintaining any bridges of its own,
35 shall first be determined by the municipal officers of the city
36 or town within the limits of which said bridges shall be so
37 erected, maintained or used.

Sect. 2. Said railway shall be of a guage not to exceed five
2 feet, and the land occupied by said company for its main
3 track line, exclusive of turn-outs, switches, side-tracks, sta-
4 tions or appurtenances, shall nowhere exceed four rods in
5 width. Said company shall have power from time to time,
6 to fix such rates of compensation for transportation of pas-
7 sengers or freight, as it may think expedient, and in general.

8 shall have and enjoy all the powers and privileges incident
9 to or usually granted to similar corporations.

Sect. 3. Said company shall further have power to occupy
2 any lands reasonably necessary for its tracks, switches, turn-
3 outs, stations, appurtenances or appliances, and to excavate
4 or construct, in through or over such lands to carry out its
5 purposes. It may enter upon such lands to make surveys
6 and locations, and shall file in the registry of deeds in said
7 county of Hancock, plans of such locations and land, and
8 within thirty days thereafter, publish notice thereof in some
9 newspaper in said county, such publication to be continued
10 for three weeks successively.

Sect. 4. For the purpose of determining the damages to be
2 paid for such location, occupation and construction, the land
3 owner or said railway company, may within three years after
4 the filing of plans of location, apply to the commissioners of
5 said county of Hancock, and have such damages assessed,
6 as is provided by law in cases wherein land is taken for rail-
7 roads, so far as the same is consistent with the provisions
8 of this charter, and where inconsistent, or at variance with
9 this charter, the charter shall control. If the railway com-
10 pany shall fail to pay such land owner, or to deposit for his
11 use with the clerk of the county commissioners such sum as
12 may be finally awarded as damages, with costs, within ninety
13 days after final judgment, the said location shall be thereby
14 invalid, and the company forfeit all right under the same.
15 If such land owner secures more damages than were ten-
16 dered by said company, he shall recover costs, otherwise the
17 company shall recover costs. In case the said company
18 shall begin to occupy such land before the rendition of final
19 judgment, the land owner may require said company to file
20 its bond to him with the county commissioners, in sum and
21 with such sureties as they approve, condition for said pay-

22 ment or deposit. Failure to apply for damages within said
23 three years by the land owner shall be held to be a waiver
24 of the same. No action shall be brought against said rail-
25 way company for such taking and occupation of land until
26 after such failure to pay or deposit as aforesaid.

Sect. 5. The capital stock of said company shall fixed at
2 the first meeting of said company, with the right to increase
3 up to five hundred thousand dollars, and shall be divided into
4 shares of one hundred dollars each.

Sect. 6. Said company for all its said purposes may hold
2 real and personal estate sufficient, necessary and convenient
3 therefor.

Sect. 7. Said company may issue its bonds for the con-
2 struction of its works maintenance or operation of the same
3 of any or all kinds, upon such rates and terms as it may
4 deem expedient, not exceeding the sum of twenty-five thou-
5 sand dollars per mile and not exceeding in total amount the
6 amount of capital stock of said company at the time of the
7 issuance of said bond, and to secure the same by mortgage
8 of any property and franchise of the said company.

Sect. 8. The municipal officers of said towns and city shall
2 have power at all times to make all such regulations as to
3 rates of speed, removal of snow and ice, keeping in repair
4 that portion of street between the rails, and adjacent to them
5 outside, and the mode of use of the tracks of said company,
6 within the limits of any of said towns or cities, as the public
7 safety and convenience may require.

Sect. 9. The first meeting of said company shall be called
2 by a written notice signed by any one corporator above
3 named, stating the time and place of meeting, served upon
4 the other corporators above named, either personally or by
5 leaving the same at the last and usual place of abode of each,
6 at least seven days before the time of such meeting, or said

7 first meeting may be called by a written notice signed by
8 any one corporator, above named, stating the time and place
9 of meeting, published in the Ellsworth American, a news-
10 paper printed and published at Ellsworth, in said county of
11 Hancock, at least fourteen days before the time of such meet-
12 ing. In either case, the certificate of the signer of the notice
13 shall be sufficient proof as to the service or publication of the
14 notice.

Sect. 10. The said Hancock County Railway is hereby
2 granted the further right to build, equip, maintain and oper-
3 ate a branch of its line, with the same privileges, and subject
4 to the same restrictions conferred upon it in the preceding
5 nine sections, from any point of its line or tracks within the
6 limits of the city of Ellsworth to any point within the limits
7 of the town of Lamoine, in said county of Hancock, or to
8 any point within the limits of the town of Trenton, in said
9 county of Hancock.

STATE OF MAINE.

IN HOUSE OF REPRESENTATIVES,

AUGUSTA, February 21, 1901.

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

W. S. COTTON, *Clerk.*