

# MAINE STATE LEGISLATURE

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# Seventy-first Legislature.

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HOUSE.

No. 366

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## STATE OF MAINE.

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

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AN ACT to establish the Lubec and Machias Railway Company.

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

Section 1. Bion M. Pike, Jacob C. Pike, Robert J. Peacock,  
2 Clarence H. Clark and James H. Gray, their associates and  
3 successor,s are constituted a corporation under the name of  
4 the Lubec and Machias Railway Company, for the purpose of  
5 building, constructing, maintaining and operating by elec-  
6 trical, steam, or other power, a railway for passenger and  
7 freight transportation, with such single or double tracks, side  
8 tracks, switches, turnouts, stations and appurtenances, and  
9 with such poles, wires, appliances and appurtenances, as may  
10 seem advisable and desirable to said company, from any point  
11 in the town of Lubec, through the towns of Trescott, Whit-  
12 ing, Cutler, East Machias and Machiasport, if necessary, to  
13 some point in the town of Machias as may seem to said

14 company, desirable, together with the right to cross the rivers  
15 and tide waters of the East Machias and Machias rivers  
16 within the limits of the said towns of East Machias, Machias-  
17 port and Machias upon the bridges of said towns of East  
18 Machias, Machiasport and Machias, or upon bridges of said  
19 company, erected therefor, and also with the right to lay their  
20 said tracks within the limits of said town of Lubec, and within  
21 the limits of the towns of Prescott, Whiting, Cutler, East  
22 Machias, Machiasport and Machias, as may be assented to  
23 in writing by the municipal officers of said towns at any meet-  
24 ing thereof upon petition of said company, and together, also,  
25 with the right to cross tide waters and navigable and fresh  
26 water streams within the limits of any of said towns men-  
27 tioned, upon existing bridges or upon bridges of said com-  
28 pany, erected therefor, provided, however, that said railway  
29 company shall not unnecessarily obstruct navigation, and  
30 that the manner and conditions of its so crossing said Machias  
31 river, tide waters, navigable waters or fresh water stream or  
32 rivers, upon any bridges, and of its erecting and maintaining  
33 any bridges of its own, shall first be determined by the munic-  
34 ipal officers of the towns within the limits of which said  
35 bridges shall be so erected, maintained or used.

Sect. 2. Said railway shall be of a gauge not to exceed five  
2 feet, and the land occupied by said company for its main  
3 track line, exclusive of turnouts, switches, side tracks, stations  
4 or appurtenances, shall nowhere exceed four rods in width.  
5 Said company shall have power, from time to time, to fix such  
6 rates of compensation for transportation of passengers or  
7 freight as it may think expedient, and in general, shall have  
8 and enjoy all the powers and privileges incident to or usu-  
9 ally 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 Washington, 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 Washington, 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 of  
8 this charter, and where inconsistent, or at variance with this  
9 charter, the charter shall control. If the railway company  
10 shall fail to pay such land owner, or to deposit for his use  
11 with the clerk of the county commissioners such sum as may  
12 be finally awarded as damages, with costs, within ninety days  
13 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 tendered  
16 by said company, he shall recover costs, otherwise the com-  
17 pany shall recover costs. In case the said company shall  
18 begin to occupy such land before the rendition of final judg-  
19 ment, the land owner may require said company to file its  
20 bond to him with the county commissioners, in such 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 of  
24 the same. No action shall be brought against said railway  
25 company for such taking and occupation of land until after  
26 such failure to pay or deposit as aforesaid.

Sect. 5. The capital stock of said company shall be fixed at  
2 the first meeting of said company, with the right to increase  
3 up to seven hundred thousand dollars, and shall be divided  
4 into 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 deem  
4 expedient, not exceeding the sum of twenty-five thousand  
5 dollars per mile and not exceeding in total amount the amount  
6 of capital stock of said company at the time of the issuance of  
7 said bond, and to secure the same by mortgage of any prop-  
8 erty and franchise of the said company.

Sect. 8. The municipal officers of said towns shall have  
2 power at all times to make all such regulations as to rates of  
3 speed, removal of snow and ice, keeping in repair that por-  
4 tion of street between the rails, and adjacent to them outside,  
5 and the mode of use of the tracks of said company, within  
6 street limits of any of said towns, as the public safety and  
7 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 the  
4 other corporators above named, either personally or by leav-  
5 ing the same at the last and usual place of abode of each, at  
6 least seven days before the time of such meeting, or said first  
7 meeting may be called by a written notice signed by any one  
8 corporator, above named, stating the time and place of meet-  
9 ing, published in the Lubec Herald, a newspaper published at  
10 Lubec, in said county of Washington, at least fourteen days  
11 before the time of such meeting. In either case, the certifi-

12 cate of the signer of the notice shall be sufficient proof as to  
13 the service or publication of the notice.

Sect. 10. The said Lubec and Machias 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 restrictions conferred upon it in the preceding sections,  
5 from any point of its line or tracks within the town of Lubec  
6 to any point within the limits of said town of Lubec, or to any  
7 point within the limits of any of the towns above mentioned  
8 in this act.







STATE OF MAINE.

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IN HOUSE OF REPRESENTATIVES,

AUGUSTA, March 13, 1903.

Reported by BURRILL of Ellsworth, from Committee on Railroads,  
Telegraphs and Expresses, and ordered printed under joint rules.

W. S. COTTON, *Clerk.*