

MAINE STATE LEGISLATURE

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NEW DRAFT.

Seventy-first Legislature.

SENATE.

No. 216

STATE OF MAINE.

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

AN ACT to incorporate the Cherryfield and Milbridge Street
Railway.

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

Section 1. E. K. Wilson, William M. Nash, Samuel N.
2 Campbell, severally of Cherryfield, and Jasper Wyman and
3 George A. Sawyer, both of Milbridge, are hereby made a
4 corporation under the name of the Cherryfield and Milbridge
5 Street Railway with authority to construct, operate and main-
6 tain a street railroad, for street traffic for the conveyance of
7 persons and property, in the towns of Cherryfield and Mil-
8 bridge, along and over such streets, roads and ways therein
9 as shall, from time to time, be deemed best for the public

10 convenience by the said company, and over and across such
11 lands as to it may seem advisable and necessary, with such
12 single or double tracks, sidetracks, switches, turnouts, sta-
13 tions and appurtenances, and with such poles, wires and
14 appliances as shall be reasonably convenient in the premises,
15 with all the powers and privileges incident to or usually
16 granted to similar corporations.

Sect. 2. The said corporation is further authorized to cross
2 tide waters, and navigable waters, within the limits of any or
3 both of said towns, upon existing bridges, or upon bridges
4 or structures of said company erected therefor, with such
5 draws and piers as may be reasonably necessary, provided,
6 however, that said company shall not unnecessarily obstruct
7 navigation, and that the manner of its so crossing said waters
8 and of its so erecting and maintaining any such bridges or
9 structures of its own, shall first be determined by the muni-
10 cipal officers of the town or towns within the limits of which
11 said bridge or structure shall be so erected, maintained or
12 used; and if said company and such municipal officers shall
13 disagree as to the terms prescribing the manner of such cross-
14 ing, or of erecting and maintaining any such bridge or struc-
15 ture, the same shall, after notice and hearing, be determined
16 by the railroad commissioners, and their decree thereon shall
17 be final.

Sect. 3. The said company is authorized to erect, main-
2 tain and use such wharves, within the limits of any of said
3 towns, as may be licensed under the general laws of the State,
4 applicable thereto.

Sect. 4. The municipal officers of said towns shall deter-
2 mine the distance from the sidewalks, or the side lines of the
3 roads, at which the rails of said company shall be laid. The
4 said company or any person interested therein may appeal
5 from any such determination to the board of railroad com-

6 missioners, who shall upon notice hear the parties and finally
7 determine the questions raised by said appeal.

Sect. 5. Before beginning construction of its said road the
2 said company shall first file with the clerk of the county com-
3 missioners for Washington county a copy of its location,
4 defining its courses, distances and boundaries, accompanied
5 with a map of the proposed route on an appropriate scale, and
6 another copy shall be filed with the board of railroad com-
7 missioners.

Sect. 6. Such company, outside the limits of streets, roads
2 and ways, may for its location, construction and convenient
3 use of its road for its main track line, switches, turnouts,
4 sidetracks, stations, car barns, gravel pits, spur tracks thereto,
5 pole lines, wires, and power houses purchase or take and hold
6 as for public uses any land and all materials in and upon it,
7 except meeting houses, dwelling houses, public or private
8 burying grounds or lands already devoted to railroad uses,
9 and may excavate or construct in, through or over such lands
10 to carry out its purposes, but the land so taken for its main
11 track line, turnouts, switches and side tracks, shall not exceed
12 four rods in width unless necessary for excavation and
13 embankment or materials. All land so taken, except for its
14 main track line, turnouts, switches and side tracks, shall be
15 subject to the provisions of section sixteen of chapter fifty-
16 one of the Revised Statutes. It may enter upon any such
17 lands to make surveys and locations, and plans of all locations
18 and lands so taken shall be filed with the clerk of courts in
19 the county of Washington, and when so filed such land shall
20 be deemed and treated as taken.

Sect. 7. For the purpose of determining the damages to
2 be paid for such location, occupation and construction, the
3 land owner or said company may, within three years after
4 the filing of such plans of location with the clerk of courts,
5 as hereinbefore provided, apply to the commissioners of said

6 county of Washington and have such damages assessed as is
7 provided by law wherein land is taken for railroads, so far
8 as the same is consistent with the provisions of their charter,
9 and where inconsistent or at variance with this charter the
10 charter shall control. Said commissioners shall have the
11 same power to make orders relative to cattle passes, cattle
12 guards and farm crossings as in the case of railroads. If
13 the company shall fail to pay such land owner, or to deposit
14 for his use with the clerk of the county commissioners, such
15 sum as may be finally awarded for damages, with costs, within
16 ninety days after final judgment, the said location shall be
17 invalid and the company forfeit all right under the same. If
18 such land owner secures more damages than were tendered
19 by said company, he shall recover costs, otherwise the com-
20 pany shall recover costs. In case the company shall begin
21 to occupy such lands before rendition of final judgment the
22 land owner may require said company to file its bond with the
23 county commissioners in such sum and with such sureties as
24 they may approve, conditioned for such payment or deposit.
25 Failure to apply for damages within said three years by said
26 land owner shall be held to be a waiver of the same. No
27 action shall be brought against such company for such taking
28 and occupation of land until after such failure to pay or
29 deposit.

Sect. 8. The road of said company shall be constructed and
2 maintained in such form and manner and with such rails and
3 upon such grades as the municipal officers of said towns may
4 direct. Such municipal officers shall have power at all times
5 to make all such regulations as to the mode of use of such
6 tracks, the rate of speed and the removal and disposal of ice
7 and snow from the streets, roads and ways as the public
8 safety and convenience may require. The said company may
9 appeal from any determination in relation to the foregoing

10 to the railroad commissioners, whose decision thereon shall
11 after notice and hearing be final.

Sect. 9. The said corporation is authorized to make such
2 connection with the Washington County Railroad Company
3 as may be agreed and to contract with it for interchange of
4 cars.

Sect. 10. The said corporation is authorized to cross the
2 railroad of the Washington County Railroad Company in
3 such manner and under such conditions as shall be determined
4 by the railroad commissioners.

Sect. 11. In addition to its main line, the said company is
2 authorized to build and operate such branches in said towns
3 as the public convenience may require.

Sect. 12. Said company for all its purposes may hold real
2 and personal estate necessary and convenient therefor.

Sect. 13. The capital stock of said corporation shall not
2 exceed one hundred thousand dollars. It may issue its bonds
3 in such amounts and on such rates and time as it deems expe-
4 dient and secure the same by appropriate mortgages upon its
5 franchises and property.

Sect. 14. All of the general laws of the State, except as
2 modified by this charter, are hereby made applicable to the
3 said corporation.

Sect. 15. This act shall be null and void unless said cor-
2 poration shall on or before the first day of December, A. D.
3 1903, expend an amount equal to ten per cent of its capital
4 stock, as stated in its articles of association, in the construc-
5 tion of its railroad. This fact shall be determined by the
6 railroad commissioners, after notice and hearing, and a cer-
7 tificate of their determination shall be filed in the office of the
8 secretary of state.

Sect. 16. This act shall take effect when approved.

STATE OF MAINE.

IN SENATE, March 13, 1903.

Reported by Mr. WILSON from Committee on Railroads, Telegraphs
and Expresses, and laid on table to be printed under joint rules.

KENDALL M. DUNBAR, *Secretary*.