

MAINE STATE LEGISLATURE

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SEVENTY-SECOND LEGISLATURE

HOUSE.

No. 506

STATE OF MAINE.

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

AN ACT to incorporate the Milbridge and Cherryfield Street
Railway.

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

Section I. E. K. Wilson, Wm. N. Nash, Samuel M. Camp-
2 bell of Cherryfield, Charles E. Goodwin, Frederick Yates,
3 Edgar A. Hubbard, severally of Biddeford, James O. Brad-
4 bury of Saco, and Jasper Wyman and George A. Sawyer
5 of Milbridge, are hereby made a corporation under the name
6 of the Milbridge and Cherryfield Street Railway Company,
7 with authority to construct, operate and maintain a street
8 railroad, for street traffic for the conveyance of persons and
9 property, in the towns of Milbridge and Cherryfield, along
10 and over such streets, roads and ways therein as shall, from
11 time to time, be deemed best for the public convenience by
12 the said company, and over and across such lands as may

13 seem to it advisable and necessary, with such single or double
14 tracks, side tracks, switches, turnouts, stations and appur-
15 tenances, and with such poles, wires and appurtenances as
16 shall be reasonably convenient in the premises, with all the
17 powers and privileges incident to or usually granted to sim-
18 ilar 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 or
4 structures of said company erected therefor, with such draws
5 and piers as may be reasonably necessary, provided, however,
6 that said company shall not unnecessarily obstruct navigation,
7 and that the manner of its so crossing said waters and of its
8 so erecting and maintaining any such bridges or structures
9 of its own, shall first be determined by the municipal officers
10 of said town or towns within the limits of which said bridge
11 or structure shall be so erected, maintained and used; and if
12 said company and such municipal officers shall disagree as
13 to the terms prescribing the manner of such crossing, or of
14 erecting and maintaining any such bridge or structure, the
15 same shall, after notice and hearing, be determined by the
16 railroad commissioners, and their decree thereon shall be
17 final.

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

Sect. 4. The municipal officers of said towns shall deter-
2 mine the distance from the sidewalks or the side lines of
3 the roads, at which the rails of said company shall be laid.
4 The said company or any person interested therein may
5 appeal from any such determination to the railroad commis-
6 sioners, 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,
6 and another copy shall be filed with the board of railroad
7 commissioners.

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 side tracks, stations, car barns, gravel pits, spur tracks,
5 thereto, pole lines, wires and power houses, purchase or take
6 and hold as for public uses any land and all materials in and
7 upon it, except meeting houses, dwelling houses, public or
8 private burying grounds or lands already devoted to railroad
9 uses, and may excavate or construct in, through or over such
10 lands to carry out its purposes, but the land so taken for its
11 main track line, turnouts, switches and side tracks, shall not
12 exceed four rods in width unless necessary for excavation
13 and embankment or materials. All land so taken, except for
14 its main track line, turnouts, switches and side tracks, shall
15 be subject to the provisions of section sixteen of chapter
16 fifty-one of the Revised Statutes. It may enter upon any
17 such lands to make surveys and locations, and plans of all
18 locations so taken shall be filed with the clerk of courts for
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
7 is 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 powers to make orders relative to cattle passes, cattle
12 guards, and farm crossing as in the case of railroads. If the
13 company shall fail to pay such land owner or to deposit for
14 his use with the clerk of the county commissioners such sum
15 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.
18 If such land owner secures more damages than were ten-
19 dered by said company, he shall recover costs, otherwise the
20 company shall recover costs. In case the company shall
21 begin to occupy such lands before the rendition of final judg-
22 ment the land owner may require said company to file its
23 bond with the county commissioners in such sum and with
24 such sureties as they may approve, conditioned for such pay-
25 ment or deposit. Failure to apply for damages within said
26 three years by said land owner shall be held to be a waiver
27 of the same. No action shall be brought against such com-
28 pany for such taking and occupation of land until after such
29 failure to pay or deposit.

Sect. 8. The road of said company shall be constructed
2 and maintained in such manner and form and with such rails
3 and upon such grades as the municipal officers of said towns
4 may direct. Such municipal officers shall have power at all
5 times to make all such regulations as to the mode of use of
6 such tracks, the rate of speed and the removal and disposal
7 of ice 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 deter-
4 mined 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
4 expedient and secure the same by appropriate mortgages
5 upon its franchises and property.

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

Sect. 15. This act shall take effect when approved.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES,
Augusta, March 10, 1905.

Reported by Mr. STEVENS from Committee on Railroads and
Expresses and ordered printed under joint rules.

E. M. THOMPSON, *Clerk.*