

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-THIRD LEGISLATURE

SENATE.

No. 214

STATE OF MAINE.

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

AN ACT to incorporate the Ocean and Northern Railroad Com-
pany.

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

Section 1. Everard H. Greely, John A. Peters, Henry W.
2 Cushman, Lyndon McGown, Henry M. Hall and Bedford
3 E. Tracy, their associates and successors, are hereby incor-
4 porated into a corporation under the name of Ocean and
5 Northern Railroad Company, with all the powers, rights
6 and privileges, and subject to all the duties, restrictions and
7 obligations conferred and imposed on railroad corporations
8 by the laws of the state of Maine.

Sect. 2. Said company shall have the right to locate, construct, equip, maintain, operate or lease a railroad from some point in Plantation No. 33 in the county of Hancock, through the county of Hancock by such route as the directors of said company may select, to some point in the town of Winter Harbor in said county of Hancock, or to some point in the city of Ellsworth, in said county of Hancock, or to either or both of said points.

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

Sect. 4. Said company for all its said purposes may take and hold real and personal property sufficient, necessary and convenient therefor, subject, however, to the general laws of the state.

Sect. 5. For the purposes of determining the damages for property taken by said railroad company under this act or the laws of the state, the property owner or the said railroad company may within three years after filing plans of location, apply to the commissioners of said county of Hancock and have such damages assessed as are provided by law in case land is taken by railroads, so far as the same may be consistent with the provisions of this act, and where inconsistent or at variance with this act, the act shall control.

If the railroad company shall fail to pay said property owner, or to deposit for his use with the clerk of the county

12 commissioners such sum as may be finally awarded as dam-
13 ages, with costs, within ninety day after final judgment, the
14 said location across the premises of such property owner
15 shall be thereby invalidated and the company forfeits its
16 right under the same.

If a property owner secures more damages than were ten-
18 dered by said company, he shall recover costs; otherwise
19 the company shall recover costs.

In case the company shall begin to occupy any property
21 before the rendition of final judgment, the owner may
22 require said company to file its bond to him with the county
23 commissioners in such sum and with such sureties as they
24 approve, conditioned for said payment or deposit.

Failure to apply for damages within said three years by
26 any property owner shall be held to be a waiver of the same.

No action shall be brought against such railroad company
28 for the taking and occupation of property until after failure
29 to pay or deposit as aforesaid, or refusal to file bond as
30 above provided.

Sect. 6. For carrying out the purposes of the corporation,
2 including the surveying, locating, constructing, equipping,
3 maintaining, or operating of said railroad and all proper
4 expenses in its business, said company may issue its bonds
5 in such amounts and on such time, terms and conditions as it
6 may see fit, and secure them by a mortgage of the entire
7 property and franchise of the company, acquired or to be
8 acquired, or upon any part thereof.

Sect. 7. This charter is granted inasmuch as the objects
2 thereof cannot be attained under the general laws of the
3 state of Maine.

The said company is empowered to maintain bridges across
5 tide waters, lakes, ponds and navigable rivers and streams
6 which its railroad may cross, provided that they shall be so
7 constructed as not to unnecessarily obstruct the navigation
8 of such waters.

Said company may cross the right of way of the Maine
10 Central Railroad Company or the Washington County Rail-
11 way by an overhead or under crossing, to be constructed and
12 maintained wholly at the expense of the Ocean & Northern
13 Railroad Company, (but not at grade unless by mutual
14 agreement of the corporations interested) and upon such
15 terms and conditions as may be agreed upon by said Ocean
16 & Northern Railroad Company and the Maine Central Rail-
17 road Company or by said Ocean & Northern Railroad Com-
18 pany and the Washington County Railway, and approved by
19 the railroad commissioners; and said Ocean & Northern
20 Railroad Company, said Maine Central Railroad Company
21 and said Washington County Railway Company are hereby
22 authorized to make any agreements and arrangements for
23 crossings, connections, interchange of business and mutual
24 convenience which they may see fit, subject to the approval
25 of the railroad commissioners.

Sect. 8. The officers of said corporation shall consist of a
2 board of directors, president, clerk, treasurer, and such oth-

3 ers as may be provided in the by-laws. The powers and
4 duties of the officers shall be such as are prescribed in the
5 by-laws.

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 five days before the time of such meeting, or said
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 Ellsworth American, a newspaper pub-
10 lished at Ellsworth, in said county of Hancock, at least five
11 days before the time of such meeting. In either case, the
12 certificate of the signer of the notice shall be sufficient proof
13 as to the service or publication of the notice.

STATE OF MAINE.

IN SENATE, March 8, 1907.

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

F. G. FARRINGTON, *Secretary*.