

# MAINE STATE LEGISLATURE

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SEVENTY-FIFTH LEGISLATURE

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HOUSE

NO. 401

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*House of Representatives, Mar. 2, 1911.*

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

*C. C. HARVEY, Clerk.*

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STATE OF MAINE

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

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AN ACT to establish the Lubec, East Machias and Machias  
Railway Company.

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*Be it enacted by the People of the State of Maine, as follows:*

Section 1. Elisha W. Pike, G. P. Bogue, James A. Foster,  
2 George S. Thayer and Royal L. Foster, their associates and  
3 successors, are constituted a corporation under the name of  
4 the Lubec, East Machias and Machias Railway Company,  
5 for the purpose of building, constructing, maintaining and  
6 operating by electrical, steam, or other power, railway for  
7 passenger and freight transportation, with such single or  
8 double tracks, side tracks, switches, turnouts, stations and  
9 appurtenances, and with such poles, wires, appliances and  
10 appurtenances, as may seem advisable and desirable to said  
11 company, from any point in the town of Lubec, through the

12 towns of Trescott, Whiting, Cutler, East Machias and Ma-  
13 chiasport, if necessary, to some point in the town of East  
14 Machias or Machias as may seem to said company desirable,  
15 together with the right to cross the rivers and tide waters  
16 of the East Machias and Machias Rivers, within the limits  
17 of the said towns of East Machias, Machiasport and Ma-  
18 chias upon the bridges of said towns of East Machias, Ma-  
19 chiasport, and Machias, or upon bridges of said company,  
20 erected therefor, and also with the right to lay their said  
21 tracks within the limits of said town of Lubec, and within  
22 the limits of the towns of Trescott, Whiting, Cutler, East  
23 Machias, Machiasport and Machias, as may be assented to  
24 in writing by the municipal officers of said towns at any  
25 meeting thereof upon petition of said company, and togeth-  
26 er, also, with the right to cross tide waters and navigable  
27 and fresh water streams within the limits of any of said  
28 towns mentioned, upon existing bridges or upon bridges of  
29 said company, erected therefor, provided, however, that said  
30 railway company shall not unnecessarily obstruct navigation,  
31 and that the manner and conditions of its so crossing said  
32 East Machias and Machias river, tide waters, navigable  
33 waters or fresh water stream or rivers, 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  
36 towns within the limits of which said bridges shall be so  
37 erected, maintained or used.

Sect. 2. Said railway shall be of a gauge not to exceed

2 five feet, and the land occupied by said company for its main  
3 track line, exclusive of turnouts, 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 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  
2 be paid for such location, occupation and construction, the  
3 land owner or said railway company, may within three years  
4 after the filing of plans of location, apply to the commission-  
5 ers of said county of Washington, and have such damages  
6 assessed as is provided by law in cases wherein land is taken  
7 for railroads, so far as the same is consistent with the pro-  
8 visions of this charter, and where inconsistent, or at va-  
9 riance with this charter, the charter shall control. If the

10 railway company shall fail to pay such land owner, or to de-  
11 posit for his use with the clerk of the county commissioners  
12 such sum as may be finally awarded as damages, with costs,  
13 within ninety days after final judgment, the said location  
14 shall thereby be invalid, and the company forfeit all right  
15 under the same. If such land owner secures more damages  
16 than were tendered by said company, he shall recover costs,  
17 otherwise the company shall recover costs. In case the said  
18 company shall begin to occupy such land before the rendi-  
19 tion of final judgment, the land owner may require said  
20 company to file its bond to him with the county commis-  
21 sioners, in such sum and with such securities as they ap-  
22 prove, condition for said payment or deposit. Failure to  
23 apply for damages within said three years by the land owner  
24 shall be held to be a waiver of the same. No action shall  
25 be brought against said railway company for such taking and  
26 occupation of land until after such failure to pay or deposit  
27 as aforesaid.

Sect. 5. The capital stock of said company shall be fixed  
2 at the first meeting of said company, with the right to in-  
3 crease up to seven hundred thousand dollars, and shall be  
4 divided 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  
6 amount of capital stock of said company at the time of the  
7 issuance of said bonds, and to secure the same by mortgage  
8 of any property and franchise of the said company.

Sect. 8. The municipal officers of said town shall have  
2 power at all times to make all such regulations as to rates  
3 of speed, removal of snow and ice, keeping in repair that  
4 portion of street between the rails, and adjacent to them out-  
5 side, and the mode of use of the tracks of said company,  
6 within street limits of any of said towns, as the public safety  
7 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 any  
8 one corporator, above named, stating the time and place of  
9 meeting, published in the Machias Union, a newspaper pub-  
10 lished at Machias, in said county of Washington, at least  
11 fourteen days before the time of such meeting. In either  
12 case, the certificate of the signer of the notice shall be suffi-  
13 cient proof as to the service of publication of the notice.

Sect. 10. The said Lubec, East Machias and Machias

2 Railway is hereby granted the further right to build, equip,  
3 maintain and operate a branch of its line, with the same priv-  
4 ileges, and subject to the restrictions conferred upon it in  
5 the preceding sections, from any point of its line or tracks  
6 within the town of Lubec to any point within the limits of  
7 said town of Lubec, or to any point within the limits of any  
8 of the towns above mentioned in this act.