

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTIETH LEGISLATURE

OF THE

STATE OF MAINE

1901.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1901.

Chapter 301.

An Act to establish the Hancock County Railway Company.

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

Corporators.

Section 1. I. L. Halman, George M. Warren, Myer Gallert, J. T. Giles, W. E. Emery, A. C. Hinckley, Henry W. Sargent, S. D. Leavitt, their associates and successors, are hereby incorporated into a corporation, under the name of the Hancock County Railway Company, for the purpose of building, constructing, maintaining and operating by electrical, steam, animal, water, or other power, a railway for passenger and freight transportation, with such single or double tracks, side tracks, switches, turnouts, stations and appurtenances, and with such poles, wires, appliances and appurtenances, as may seem advisable and desirable to said company, between the western terminus of the Washington County Railroad, is the town of Hancock, in the county of Hancock, and such point within the limits of the town of Castine, in said county of Hancock, as may seem to said company desirable, together with the right to cross the tide waters of Union river, so called, within the limits of the city of Ellsworth, upon bridges of said city, or upon bridges of said company erected therefor, and together also with the right to lay their said tracks and place their poles, wires and appliances, and to operate said railway in, across, along and over such streets within the limits of said city of Ellsworth, and within the limits of the towns of Surry, Bluehill, Sedgwick, Brooklin, Brooksville, Penobscot and Castine, as may be assented to in writing by the municipal officers of said city and towns at any meeting thereof upon petition of said company, and together, also, with the right to cross tide waters and navigable waters within the limits of any of said towns mentioned, upon existing bridges or upon bridges of said company erected therefor, provided, however, that said railway company shall not unnecessarily obstruct navigation, and that the manner and conditions of its so crossing said river or tide waters, or navigable waters, upon any bridges, and of its erecting and maintaining any bridges of its own, shall first be determined by the municipal officers of the city or town within the limits of which said bridges shall be so erected, maintained or used.

—corporate name.

—purposes.

—location.

—authorized to use the streets with consent of municipal officers.

May cross navigable waters, but shall not obstruct navigation.

Gauge.

Section 2. Said railway shall be of a gauge not to exceed five feet, and the land occupied by said company for its main track line, exclusive of turnouts, switches, side tracks, stations or appurtenances, shall nowhere exceed four rods in width. Said company shall have power, from time to time, to fix such

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rates of compensation for transportation of passengers or freight as it may think expedient, and in general, shall have and enjoy all the powers and privileges incident to or usually granted to similar corporations.

—may fix rates of compensation for transportation of passengers.

Section 3. Said company shall further have power to occupy any lands reasonably necessary for its tracks, switches, turn-outs, stations, appurtenances or appliances, and to excavate or construct in, through or over such lands to carry out its purposes. It may enter upon such lands to make surveys and locations, and shall file in the registry of deeds in said county of Hancock, plans of such locations and land, and within thirty days thereafter, publish notice thereof in some newspaper in said county, such publication to be continued for three weeks successively.

May take and occupy lands.

—file plan of location in registry of deeds.

Section 4. For the purpose of determining the damages to be paid for such location, occupation and construction, the land owner or said railway company, may within three years after the filing of plans of location, apply to the commissioners of said county of Hancock, and have such damages assessed as is provided by law in cases wherein land is taken for railroads, so far as the same is consistent with the provisions of this charter, and where inconsistent, or at variance with this charter, the charter shall control. If the railway company shall fail to pay, such land owner, or to deposit for his use with the clerk of the county commissioners such sum as may be finally awarded as damages, with costs, within ninety days after final judgment, the said location shall be thereby invalid, and the company forfeit all right under the same. If such land owner secures more damages than were tendered by said company, he shall recover costs, otherwise the company shall recover costs. In case the said company shall begin to occupy such land before the rendition of final judgment, the land owner may require said company to file its bond to him with the county commissioners, in sum and with such sureties as they approve, condition for said payment or deposit. Failure to apply for damages within said three years by the land owner shall be held to be a waiver of the same. No action shall be brought against said railway company for such taking and occupation of land until after such failure to pay or deposit as aforesaid.

Damages and how determined.

—failure to pay damages invalidates charter.

failure to apply for damages held as a waiver of same.

Section 5. The capital stock of said company shall be fixed at the first meeting of said company, with the right to increase up to five hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

Capital stock.

Section 6. Said company for all its said purposes may hold real and personal estate sufficient, necessary and convenient therefor.

May hold real estate.

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May issue
bonds and
mortgage
property.

Section 7. Said company may issue its bonds for the construction of its works, maintenance or operation of the same of any or all kinds, upon such rates and terms as it may deem expedient, not exceeding the sum of twenty-five thousand dollars per mile and not exceeding in total amount the amount of capital stock of said company at the time of the issuance of said bond, and to secure the same by mortgage of any property and franchise of the said company.

Municipal
officers may
regulate
speed and
removal
of snow.

Section 8. The municipal officers of said towns and city shall have power at all times to make all such regulations as to rates of speed, removal of snow and ice, keeping in repair that portion of street between the rails, and adjacent to them outside, and the mode of use of the tracks of said company, within the limits of any of said towns or cities, as the public safety and convenience may require.

First meeting,
how called.

Section 9. The first meeting of said company shall be called by a written notice signed by any one corporator above named, stating the time and place of meeting, served upon the other corporators above named, either personally or by leaving the same at the last and usual place of abode of each, at least seven days before the time of such meeting, or said first meeting may be called by a written notice signed by any one corporator, above named, stating the time and place of meeting, published in the Ellsworth American, a newspaper published at Ellsworth, in said county of Hancock, at least fourteen days before the time of such meeting. In either case, the certificate of the signer of the notice shall be sufficient proof as to the service or publication of the notice.

Authorized
to build
branch lines.

Section 10. The said Hancock County Railway is hereby granted the further right to build, equip, maintain and operate a branch of its line, with the same privileges, and subject to the restrictions conferred upon it in the preceding nine sections, from any point of its line or tracks within the limits of the city of Ellsworth to any point within the limits of the town of Lamoine, in said county of Hancock, or to any point within the limits of the town of Trenton, in said county of Hancock.

Approved March 1, 1901.