

# 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.

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territory, and hereby empowering such corporations to sell, transfer, convey or lease their privileges, properties and franchises to said corporation and for the purpose of constructing or purchasing of any individual or corporation, all necessary dams, pumping stations and reservoirs, mains, gates, aqueducts, hydrants, and all necessary structures for conveying to and supplying the inhabitants of said corporation with water, for all domestic, sanitary and municipal purposes, including the extinguishment of fires, including all the rights, powers, privileges and franchises granted or held by charter or otherwise, by the individual or corporation of whom the purchase is made; and said corporation is also hereby empowered for any of the purposes herein named, to take and hold, by purchase, gift or bequest, any real or personal estate, interest or easement in them, including the right to take as for public uses, any land or interests in real estate for any of the purposes herein named. Said corporation shall be held liable to pay all damages that may be sustained by any person or corporation by the taking of lands and also for all damages for any other injuries resulting from any of the acts herein authorized, and if any person sustaining damage as aforesaid, shall not agree with said corporation upon the sum to be paid therefor, either party may cause such damages to be ascertained in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in the case of damages by the laying out of highways, with the same rights of appeal. Failure to apply for such damages within two years shall be held to be a waiver of the same.'

—may hold real or personal estate.

—liable for all damage.

—how ascertained.

—failure to apply for damages for two years held to be a waiver of same.

Section 2. This act shall take effect when approved.

Approved March 6, 1901.

## Chapter 312.

An Act to incorporate the Pownal and Yarmouth Railroad Company.

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

Section 1. Frank W. Carlton, John S. Hyde, John Scott, William G. King and their associates, successors and assigns, are hereby created a body corporate by the name of the Pownal and Yarmouth Railroad Company, with all the powers, privileges and immunities and subject to all the duties and liabilities provided in the general laws respecting railroads, not inconsistent with the express provision of this act.

Corporators.

—corporate name.

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Section 2. Said corporation is authorized to survey, locate, construct, maintain, operate, alter and keep in repair a railroad of standard gauge, commencing at the quarry of the Bath Granite Company in the town of Pownal in the county of Cumberland, and extending southerly through the towns of Pownal, North Yarmouth, Yarmouth and Freeport all in said county of Cumberland, to the wharf of said Bath Granite Company on Cousins river in said town of Yarmouth.

Authorized to construct a railroad.

—route.

Section 3. Said corporation is authorized and empowered to operate its railroad by steam, electricity or any other motive power; provided, however, that said corporation may operate its railroad for the transportation of freight only.

How road may be operated.

—may carry freight, only.

Section 4. Said corporation is hereby granted the right to purchase and hold water privileges and other real estate, for the purpose of erecting and maintaining power houses for the generating of electricity or other motive power. Also for the location, construction, repair and convenient use of its railroad, the right to purchase or take and hold as for public uses, land and all material in and upon it; the land so taken shall not exceed four rods in width, except when greater width is necessary for the purpose of excavation and embankments, and for side tracks and buildings, as provided by law and provided also that in all cases said corporation shall pay for such land, estates and materials, such price as they and the owners thereof may mutually agree upon, and in case said parties shall not otherwise agree, the said corporation shall pay such damages as may be ascertained and determined, as provided in the general laws respecting railroads.

—may hold water rights and real estate.

—may take land not exceeding four rods in width.

—damages, how ascertained.

Section 5. Said corporation is hereby authorized to own, construct, maintain and operate a line or lines of telegraph and telephone upon and along its lines of railroad, with power to establish tolls on said line or lines. It is also authorized and empowered to connect its line or lines with those of any other telegraph or telephone company or corporation, or to sell or lease its line or lines of telegraph and telephone property, either before or after completion, to any other telegraph or telephone company or corporation upon such terms as may be mutually agreed upon, which sale or lease shall be binding upon the parties; or may purchase or lease any other line or lines of telegraph or telephone upon such terms as may be mutually agreed upon.

Authorized to construct lines of telegraph and telephone.

—may connect with other lines.

—may lease or purchase other lines.

Section 6. Said corporation is hereby given the right to connect with the Maine Central or any other railroad and may sell or lease its line or lines to any other railroad corporation, which latter company is hereby authorized to enter into such contract

May connect with any railroad.

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of sale or lease, and the directors of the two corporations may enter into such contract for the running of the road or roads and for the purchase, sale or lease thereof, as the directors of the two contracting companies, in the exercise of their best judgment and discretion, may deem for the advantage of their respective corporations, subject to the approval of a majority of the stock in each corporation.

Capital stock.

Section 7. The capital stock of said corporation shall not be less than six thousand dollars for every mile of road proposed to be constructed, to be divided into shares of one hundred dollars each; but it may be increased from time to time, as provided in section five of chapter fifty-one of the revised statutes.

May have two years to file location.

Section 8. Said corporation shall have two years in which to complete and file the location of said railroad; provided, however, that they may proceed with the construction of any portion of said line having first presented to the board of railroad commissioners a petition for approval of location, accompanied with a map of such portion of said line about to be constructed, upon an appropriate scale and with a profile of the rail on the relative scales of profile paper in common use, and with a report and estimate prepared by a skillful engineer from actual survey. The board of railroad commissioners shall, on presentation of said petition appoint a day for a hearing thereon, and the petitioners shall give such notice thereof as said board deems reasonable and proper in order that all persons may have an opportunity to appear and object thereto. If the board of railroad commissioners after hearing the petition, approve the proposed location, the corporation may proceed with the construction thereof; provided, that they first file with the clerk of the county through which such portion of said road, about to be constructed, passes, a plan of the same, defining its courses, distances and boundaries and another copy of the same with the railroad commissioners, but the location so filed shall not vary except to avoid expense of construction, from the route first presented to said board of commissioners, unless said variation is approved by them; and said location together with any variations made therein shall be filed within one year from the time of the approval of said location in the office of the secretary of state; provided, also, that a majority of the directors file with said railroad commissioners a certificate under oath, signed by them, that capital stock to the amount of six thousand dollars per mile, for every mile of said road about to be constructed, has been subscribed in good faith by responsible parties and that five per cent thereof has been paid in, in cash, to the treasurer of said corporation.

—proviso.

—hearing.

—shall file copies of plan with county clerk and railroad commissioners.

—plans shall be filed with secretary of state.

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First meeting,  
how called.

Section 9. The first meeting of said corporation may be called by any two of said corporators, giving notice in writing to their several associates; and said corporation may make such by-laws as are proper and not inconsistent with the laws of the state.

Section 10. The officers of said corporation shall consist of a board of directors, president, clerk, treasurer and such other officers as may be provided in the by-laws; the powers and duties of the officers shall be such as prescribed in the by-laws.

Officers.

Section 11. Said corporation is hereby authorized to make, issue and secure, by first mortgage of all and singular its property real and personal, including its railroad authorized by this act, its equipment and appurtenances, and all its rights, privileges, franchises and easements, as it may hereafter acquire by lease or otherwise, or such part or parts of its said property, railroad equipment, appurtenances, rights, privileges and easements, as it may deem best, bonds in such sum and to such an amount as the stockholders and directors may determine. The corporation is also authorized to provide a sinking fund or funds for the payment of said bonds so issued.

May issue  
bonds and  
mortgage  
property.

—sinking  
fund.

Section 12. Said corporation shall have the right to extend its main line, as provided in the general laws of the state and all the provisions of this act shall apply to all extensions so made.

May extend  
main line  
under the  
general law.

Section 13. The corporation shall make payment to the state the fees required by section three of chapter fifty-one of the revised statutes, and the same shall be in full for all fees.

Fees.

Section 14. This act shall take effect when approved.

Approved March 6, 1901.

**Chapter 313.**

An Act to extend the charter of the Bluehill Water Company.

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

Section 1. The rights, powers and privileges of the Bluehill Water Company, which were granted by chapter three hundred and fifty-three of the private and special laws of eighteen hundred and eighty-nine, and amended and extended by chapter four hundred and ninety-nine of the private and special laws of eighteen hundred and ninety-seven, and extended by chapter one hundred and nine of the private and special laws of eighteen hundred and ninety-nine, are hereby extended for two years

Charter  
extended  
two years.