

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE

1903.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1903.

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franchises and incomes of the company, or any part thereof for the repayment of money so raised or borrowed and the interest thereon, provided always, that the consent of the majority in value of the stockholders of the company shall be first had and obtained at a regular or special meeting to be called and held for that purpose.

First meeting,  
how called.

Section 17. The first meeting of the incorporation under this act, may be called by either of the corporators giving notice to the others in writing at least seven days before the time of said meeting, of the time and place of said meeting.

Section 18. This act shall take effect when approved.

Approved March 24, 1903.

### Chapter 254.

An Act to establish the Lubec and Machias Railway Company.

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

Corporators.

Section 1. Bion M. Pike, Jacob C. Pike, Robert J. Peacock, Clarence H. Clark and James H. Gray, their associates and successors, are constituted a corporation under the name of the Lubec and Machias Railway Company, for the purpose of building, constructing, maintaining and operating by electrical, steam, 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, from any point in the town of Lubec, through the towns of Trescott, Whiting, Cutler, East Machias and Machiasport, if necessary, to some point in the town of Machias as may seem to said company desirable, together with the right to cross the rivers and tide waters of the East Machias and Machias rivers, within the limits of the said towns of East Machias, Machiasport and Machias upon the bridges of said towns of East Machias, Machiasport and Machias, or upon bridges of said company, erected therefor, and also with the right to lay their said tracks within the limits of said town of Lubec, and within the limits of the towns of Trescott, Whiting, Cutler, East Machias, Machiasport and Machias, as may be assented to in writing by the municipal officers of said towns at any meeting thereof upon petition of said company, and together, also, with the right to cross tide waters and navigable and fresh water streams within the limits of any of said towns mentioned,

—corporate  
name.

—purposes.

—route.

—may cross  
rivers and  
tide waters.

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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 Machias river, tide waters, navigable waters or fresh water stream or rivers, upon any bridges, and of its erecting and maintaining any bridges of its own, shall first be determined by the municipal officers of the towns within the limits of which said bridges shall be so erected, maintained or used.

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 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.

—proviso.

Gauge of railway shall not exceed five feet.

—may fix rates of transportation.

Section 3. Said company shall further have power to occupy any lands reasonably necessary for its tracks, switches, turnouts, 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 Washington, 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 occupy lands.

—shall file location.

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 Washington, 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

Damages, how determined.

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company to file its bond to him with the county commissioners, in such 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.

**Capital stock.** 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 seven hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

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

**--may issue bonds.** 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 bonds, and to secure the same by mortgage of any property and franchise of the said company.

**Municipal officers may regulate speed, removal of snow, ice, etc.** Section 8. The municipal officers of said towns 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 street limits of any of said towns, 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 Lubec Herald, a newspaper published at Lubec, in said county of Washington, 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.

**May construct branch lines.** Section 10. The said Lubec and Machias 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 sections, from any point of its line or tracks within the town of Lubec to any point within the limits of said town of Lubec, or to any point within the limits of any of the towns above mentioned in this act.

Approved March 24, 1903.

### Chapter 255.

An Act to authorize the Norcross Transportation Company to erect buoys in certain waters of the West Branch of the Penobscot River.

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

The Norcross Transportation Company, a corporation organized under the laws of this state, is hereby authorized and empowered to erect and maintain buoys as guides to navigation in the North Twin lake, in North Twin thoroughfare, in Pemadumcook lake and thoroughfare, and Ambigigus lake and thoroughfare. Said buoys shall be erected at the places and in the manner approved by one of the steamboat inspectors.

Norcross  
Transportation  
Co.,  
authorized to  
erect guides  
to navigation

Approved March 24, 1903.

### Chapter 256.

An Act to authorize John M. Jewell to erect and maintain a dam across the Sebasticook River in the town of Clinton.

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

Section 1. John M. Jewell of Clinton, his heirs and assigns, are hereby authorized to erect and maintain a dam across the Sebasticook river in the town of Clinton upon Hunters rips about one-half mile below the mouth of the Fifteenth Mile stream, and to make, generate and supply electricity for heating, manufacturing, traction and mechanical purposes within the town of Clinton. Said Jewell, his heirs and assigns shall provide suitable sluices or roll ways for the passage of logs or lumber over said dam.

Dam across  
Sebasticook  
river,  
authorized.

—location of  
dam.

Section 2. Said John M. Jewell, his heirs and assigns, are authorized for the purpose of constructing, maintaining and repairing said dam, to take as for public uses, occupy and inclose any lands adjoining the same which may be necessary therefor, not exceeding in all one acre, and may remove any and all rocks in said river when necessary.

May occupy  
adjoining  
lands.