

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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seven of the revised statutes. He shall preserve in a permanent form a full record of his proceedings, including a statement of the condition of said corporation. A copy of such statement shall be published by said corporation immediately after the annual examination of the same in some newspaper published where said corporation is established. If no paper is published in the town where said corporation is established, then it shall be published in a newspaper printed in the nearest city or town. The necessary expenses of the bank examiner while making such examination shall be paid by the corporation.

First meeting,
how called.

Section 16. Any two of the corporators named in this act may call the first meeting of the corporation by mailing a written notice signed by both, postage paid, to each of the other corporators, seven days at least before the day of the meeting, naming the time, place and purpose of such meeting, and at such meeting the necessary officers may be chosen, by-laws adopted, and any other corporate business transacted.

Section 17. This act shall take effect when approved.

Approved March 25, 1903.

Chapter 292.

An Act to incorporate the Cherryfield and Milbridge Street Railway.

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

Corporators.

Section 1. E. K. Wilson, William M. Nash, Samuel N. Campbell, severally of Cherryfield, and Jasper Wyman and George A. Sawyer, both of Milbridge, are hereby made a corporation under the name of the Cherryfield and Milbridge Street Railway with authority to construct, operate and maintain a street railroad, for street traffic for the conveyance of persons and property, in the towns of Cherryfield and Milbridge, along and over such streets, roads and ways therein as shall, from time to time, be deemed best for the public convenience by the said company, and over and across such lands as to it may seem advisable and necessary, with such single or double tracks, side tracks, switches, turnouts, stations and appurtenances, and with such poles, wires and appliances as shall be reasonably convenient in the premises, with all the powers and privileges incident to or usually granted to similar corporations.

—corporate
name.

—location of
route.

May cross
tide and
navigable
waters.

Section 2. The said corporation is further authorized to cross tide waters and navigable waters, within the limits of any or both of said towns, upon existing bridges, or upon bridges

or structures of said company erected therefor, with such draws and piers as may be reasonably necessary, provided, however, that said company shall not unnecessarily obstruct navigation, and that the manner of its so crossing said waters and of its so erecting and maintaining any such bridges or structures of its own, shall first be determined by the municipal officers of the town or towns within the limits of which said bridge or structure shall be so erected, maintained or used; and if said company and such municipal officers shall disagree as to the terms prescribing the manner of such crossing, or of erecting and maintaining any such bridge or structure, the same shall, after notice and hearing, be determined by the railroad commissioners, and their decree thereon shall be final.

—proviso.

Section 3. The said company is authorized to erect, maintain and use such wharves, within the limits of any of said towns, as may be licensed under the general laws of the state, applicable thereto.

May erect wharves.

Section 4. The municipal officers of said towns shall determine the distance from the sidewalks, or the side lines of the roads, at which the rails of said company shall be laid. The said company or any person interested therein may appeal from any such determination to the board of railroad commissioners, who shall upon notice hear the parties and finally determine the questions raised by said appeal.

Municipal officers shall determine location of rails in streets.

Section 5. Before beginning construction of its said road the said company shall first file with the clerk of the county commissioners for Washington county a copy of its location, defining its courses, distances and boundaries, accompanied with a map of the proposed route on an appropriate scale, and another copy shall be filed with the board of railroad commissioners.

Location shall be filed with county commissioners.

Section 6. Such company, outside the limits of streets, roads and ways, may for its location, construction and convenient use of its road for its main track line, switches, turnouts, sidetracks, stations, car barns, gravel pits, spur tracks thereto, pole lines, wires, and power houses purchase or take and hold as for public uses any land and all materials in and upon it, except meeting houses, dwelling houses, public or private burying grounds or lands already devoted to railroad uses, and may excavate or construct in, through or over such lands to carry out its purposes, but the land so taken for its main track line, turnouts, switches and side tracks, shall not exceed four rods in width unless necessary for excavation and embankment or materials. All land so taken, except for its main track line, turnouts, switches and side tracks, shall be subject to the provisions of section sixteen of chapter fifty-one of the revised statutes. It may enter upon any

May take land as for public uses.

—damage^o for land taken.

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—may enter on lands for surveys.

such lands to make surveys and locations, and plans of all locations and lands so taken shall be filed with the clerk of courts in the county of Washington, and when so filed such land shall be deemed and treated as taken.

County commissioners may determine damages.

Section 7. For the purpose of determining the damages to be paid for such location, occupation and construction, the land owner or said company may, within three years after the filing of such plans of location with the clerk of courts, as hereinbefore provided, apply to the commissioners of said county of Washington and have such damages assessed as is provided by law wherein land is taken for railroads, so far as the same is consistent with the provisions of their charter, and where inconsistent or at variance with this charter the charter shall control. Said commissioners shall have the same power to make orders relative to cattle passes, cattle guards and farm crossings as in the case of railroads. If the 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 for damages, with costs, within ninety days after final judgment, the said location shall be 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 company shall begin to occupy such lands before rendition of final judgment the land owner may require said company to file its bond with the county commissioners in such sum and with such sureties as they may approve, conditioned for such payment or deposit. Failure to apply for damages within said three years by said land owner shall be held to be a waiver of the same. No action shall be brought against such company for such taking and occupation of land until after such failure to pay or deposit.

—cattle passes, cattle guards and farm crossings.

Municipal officers may direct construction, removal of snow, etc.

Section 8. The road of said company shall be constructed and maintained in such form and manner and with such rails and upon such grades as the municipal officers of said towns may direct. Such municipal officers shall have power at all times to make all such regulations as to the mode of use of such tracks, the rate of speed and the removal and disposal of ice and snow from the streets, roads and ways as the public safety and convenience may require. The said company may appeal from any determination in relation to the foregoing to the railroad commissioners, whose decision thereon shall after notice and hearing be final.

May connect with Washington County R. R. Co.

Section 9. The said corporation is authorized to make such connection with the Washington County Railroad Company as may be agreed and to contract with it for interchange of cars.

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Section 10. The said corporation is authorized to cross the railroad of the Washington County Railroad Company in such manner and under such conditions as shall be determined by the railroad commissioners.

May cross location of Washington County R. R. Co.

Section 11. In addition to its main line, the said company is authorized to build and operate such branches in said towns as the public convenience may require.

May build branches.

Section 12. Said company for all its purposes may hold real and personal estate necessary and convenient therefor.

May hold real and personal estate.

Section 13. The capital stock of said corporation shall not exceed one hundred thousand dollars. It may issue its bonds in such amounts and on such rates and time as it deems expedient and secure the same by appropriate mortgages upon its franchises and property.

Capital stock.

Section 14. All of the general laws of the state, except as modified by this charter, are hereby made applicable to the said corporation.

General laws made applicable.

Section 15. This act shall be null and void unless said corporation shall on or before the first day of December, in the year of our Lord nineteen hundred three, expend an amount equal to ten per cent of its capital stock, as stated in its articles of association, in the construction of its railroad. This fact shall be determined by the railroad commissioners, after notice and hearing, and a certificate of their determination shall be filed in the office of the secretary of state.

Shall expend ten per cent of capital stock prior to Dec. 1, 1903.

Section 16. This act shall take effect when approved.

Approved March 25, 1903.

Chapter 293.

An Act relative to the Aroostook Valley Railroad Company.

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

Section 1. The Aroostook Valley Railroad Company, a corporation created under the general laws of the state, is hereby authorized to file its petition in the office of the clerk of the supreme judicial court for the county of Penobscot, in term time or in vacation, addressed to any justice of said court, praying for a decree of said court to determine whether the railroad commissioners have lawful authority, under the general laws of the state and the special laws now in force relative to the Bangor and Aroostook Railroad Company, to approve the location of the road of said Aroostook Valley Railroad Company now on file

Authorized to file petition for decree relative to approval of location.