

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES
OF THE
SEVENTY-SECOND LEGISLATURE

OF THE
STATE OF MAINE

1905.

Published by the Secretary of State, agreeably to Resolves of
June 28, 1820, February 18, 1840, and March 16, 1842.

AUGUSTA
KENNEBEC JOURNAL PRINT
1905

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1905.

Chapter 302.

An Act to incorporate the Milbridge and Cherryfield Street Railway.

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

Section 1. E. K. Wilson, William M. Nash, Samuel M. Campbell of Cherryfield, Charles E. Goodwin, Frederick Yates, Edgar A. Hubbard, severally of Biddeford, James O. Bradbury of Saco, and Jasper Wyman and George A. Sawyer of Milbridge, are hereby made a corporation under the name of the Milbridge and Cherryfield Street Railway Company, with authority to construct, operate and maintain a street railroad, for street traffic for the conveyance of persons and property, in the towns of Milbridge and Cherryfield, 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 may seem to it advisable and necessary, with such single or double tracks, side tracks, switches, turnouts, stations and appurtenances, and with such poles, wires and appurtenances as shall be reasonably convenient in the premises, with all the powers and privileges incident to or usually granted to similar corporations.

Corporators.

--corporate name.

--powers and privileges.

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 said town or towns within the limits of which said bridge or structure shall be so erected, maintained and 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.

May cross tide waters.

--shall not unnecessarily obstruct navigation.

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 maintain wharves.

Section 4. The municipal officers of said town 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

Municipal officers may determine where rails may be laid in streets.

CHAP. 302

said company or any person interested therein may appeal from any such determination to the railroad commissioners, who shall upon notice hear the parties and finally determine the questions raised by said appeal.

Shall file copy of its location with county commissioners.

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.

May take lands for certain purposes.

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

--may enter on lands for surveys.

Damages, how determined.

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 powers 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 the 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.

Section 8. The road of said company shall be constructed and maintained in such manner and form 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.

Municipal officers may direct manner of construction of road.

--may make regulations as to speed and removal of ice and snow from tracks.

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.

May make connection with Washington County Railroad.

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 Washington County Railroad.

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 and operate branches.

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

May hold necessary real and personal property.

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.

--may issue bonds.

Section 14. All 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 take effect when approved.