

# 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

## FORTY-EIGHTH LEGISLATURE

OF THE

## STATE OF MAINE.

1869.

---

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,  
February 26, 1840, and March 16, 1842.

---

AUGUSTA:  
SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.  
1869.

---

---

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1869.

---

---

which may pass either of the before mentioned dams, for the payment of any toll, and all logs or lumber of any particular mark shall be holden for the toll on all logs of that mark, and unless the toll is paid within ten days after the logs or lumber passes the Reed's pond dam, said corporation may sell at public auction so much of said logs, or lumber, as may be sufficient to pay said toll and incidental charges, by first giving ten days notice in some paper published in Ellsworth.

SECT. 4. This act shall take effect when approved.

Approved February 6, 1869.

### Chapter 27.

An act to incorporate the Norway and Paris Railroad Company.

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

SECT. 1. Charles C. Sanderson, William W. Virgin, and Henry Upton, their associates and successors, are hereby constituted a corporation by the name of the Norway and Paris Railroad Company, with authority to construct, maintain and use a railroad, to be operated by horse power, with convenient single or double tracks, from such point or points in the town of Norway and over such town or county roads and bridges therein as shall from time to time be fixed and determined by the municipal officers of said town of Norway, and assented to in writing by the directors of said corporation, to the boundary line between said town of Norway and the town of Paris, and thence upon and over such bridges, town and county roads in said town of Paris, as from time to time may be fixed and determined by the municipal officers of said town of Paris, and assented to in writing by the directors aforesaid, to some point at or near the soldiers' monument in the village of South Paris. Said corporation shall also have authority to construct, maintain and use said railroad over and upon any lands where the land damages have been mutually settled by said corporation and the owners of said lands; *provided, however,* that all tracks of said railroad shall be laid at such distances from the sidewalks of said towns, as the municipal officers thereof respectively, shall in their order fixing the routes of said railroad, determine to be for public safety and convenience. The written assent of the directors aforesaid to any vote or votes of the municipal officers of said towns, prescribing from time to time the routes of said railroad, shall be filed with the respective clerks of said towns, and shall be taken and deemed to be the location thereof. Said corporation shall have power from time to time to fix such

Corporators.

Corporate name.

May construct a railroad with single or double tracks.

Route of road, how established.

Corporation authorized to take lands upon certain conditions.

Proviso.

Assent of directors to prescribe route to be filed with city clerks.

CHAP. 27.

Rails not to be laid down without assent of municipal officers.  
Location of route, terms of; the same may be renewed.

Notice to be given in certain cases.  
Grants to other corporations.

Condition upon purchase of property of this company.

How and by whom to be appointed.

Appraisers to be sworn.

Written award to be made.

Preference in renewal of charter to be given the corporation.  
Proviso.

Horse-power only to be used, unless the municipal officers shall determine otherwise.

Regulations as to rates, speed, &c.

rates of compensation for transporting persons or property as it may deem expedient, and generally shall have all the power and be subject to all the liabilities of corporations as set forth in the forty-sixth chapter of the revised statutes. Rails shall not be laid down in either of said towns, without the assent of the municipal officers thereof respectively. The original location of the route when granted shall be for the term of twenty-five years. The same may be renewed from time to time for a term not exceeding twenty-five years at any one time, by said municipal officers, upon such terms as they may deem expedient. No such renewal shall be granted prior to two years before the expiration of the location then established. No location shall be granted or renewed except upon reasonable prior notice to all persons interested. If, at the expiration of any of said terms the use of the roads or highways occupied by said company's railroad is granted by the municipal officers of either of said towns or both, to any other corporation or person, it shall be upon condition that such corporation or person shall purchase of said company all its property of every description in necessary use for the purposes of said railroad upon such terms as may be agreed upon by the parties or determined by persons selected by them, and if they are unable to agree, the value of the same shall be determined by three disinterested persons appointed by a judge of the supreme judicial court, on application of either party, and hearing thereon. Said appraisers shall be sworn, give notice of the time and place of meeting to examine and appraise said property, and shall make to each party a written award, and their services shall be paid in equal proportion by the parties. If the municipal officers of either or both of said towns determine that at the expiration of any of said terms the use of the roads or highways occupied by said company's railroad, shall be granted to any person or corporation for the purposes of a horse railroad, on the payment of any sum of money yearly, or in any other manner, said company shall have the preference, and such use shall be granted or renewed to said company; *provided* it will pay as much therefor as any other corporation or person.

SECT. 2. Said railroad shall be operated and used by said corporation with horse power only, unless the municipal officers of said towns respectively shall determine otherwise, when it may be operated and used by dummy engines propelled by steam. The municipal officers of said towns, respectively, shall have power at all times to make all such regulations as to the rates of speed and removal of snow and ice from the roads and highways by said company, at its own expense, and mode of use of the tracks of said railroad within said towns as the public convenience and safety require.

CHAP. 27.

SECT. 3. Said corporation shall keep and maintain in repair such portions of the roads and highways as shall be occupied by the tracks of its railroad, and shall make all other repairs of said roads and highways which in the opinion of the municipal officers of said towns, respectively, may be rendered necessary, by the occupation of the same by said railroad, and if not repaired upon reasonable notice, such repairs may be made by said towns, respectively, at the expense of said corporation; and said corporation shall be liable for any loss or damage which any person may sustain by reason of any carelessness, neglect or misconduct of its agents or servants.

Duties of corporation in repairs of roads, &c., occupied by tracks.

Liability to damages for neglect, &c.

SECT. 4. If any person shall wilfully or maliciously obstruct said corporation in the use of its road or tracks, or the passage of the cars or carriages of said corporation thereon, such person, and all who shall aid and abet therein, shall be punished by a fine not exceeding two hundred dollars, or may be imprisoned in the county jail for a period not exceeding sixty days.

Penalty for malicious obstruction of track, &c.

SECT. 5. The capital stock of said corporation shall not exceed twenty thousand dollars, to be divided into shares of fifty dollars each, and no share shall be issued for less than the par value.

Capital.

SECT. 6. Said corporation shall have power to purchase and hold such real estate as may be necessary and convenient for the purposes and management of said railroad.

May purchase and hold real estate.

SECT. 7. Said railroad shall be constructed and maintained in such form and manner, and with such rail and upon such grade as the municipal officers of said towns, respectively, shall from time to time prescribe and direct; and whenever in the judgment of said corporation it shall be necessary to alter the grade of any road or highway occupied by its railroad, said alterations shall be made at the sole expense of said corporation, provided also the same shall be assented to in writing by the municipal officers of said towns respectively. If the tracks of said company's railroad cross any other railroad of any kind, in either of said towns, and a dispute arise in any way in regard to the manner of crossing, the county commissioners of Oxford county shall, upon hearing, decide and determine, in writing, in what manner the crossing shall be made, which shall be constructed accordingly.

Municipal officers to determine grade, &c.

Alteration of grade, &c., to be at expense of corporation.

Crossings, how fixed, &c.

SECT. 8. Nothing in this act shall be construed to prevent the proper authorities of said towns, respectively, from entering upon and taking up any of the roads or highways, occupied by said railroad for any purposes for which they may now lawfully take up the same.

Powers of municipal officers over streets not affected.

SECT. 9. This act shall be void unless the same shall be accepted by said corporation, and ten per cent. of the capital stock thereof be paid within five years from its passage.

Act to be void unless accepted and ten per cent. of capital paid in five years.

**CHAP. 27.**

Bonds, construction, &c.

SECT. 10. Said corporation is hereby authorized to issue bonds for the purpose of constructing its railroad, or for money which it may borrow for any purposes sanctioned by law, but the bonds so issued shall not exceed the amount of capital stock paid in by the stockholders. Said bonds may be issued in sums of not less than fifty dollars each, payable in not more than twenty years from their date, with interest at the rate of six per cent., payable semi-annually.

Bonds to be approved, certified and made binding on corporation.

SECT. 11. Such bonds shall be approved by a majority of the finance committee of said corporation, who shall certify that each of said bonds is properly issued and recorded upon the books of said corporation. All bonds and notes which shall be issued by said corporation shall be binding and collectable in law, notwithstanding such bonds or notes may be negotiated and sold by said corporation or its agents at less than their par value.

How secured.

SECT. 12. Said bonds shall be secured by a conveyance of the corporate property to three trustees by a suitable instrument of mortgage to secure the payment of said bonds.

Sinking fund.

SECT. 13. Said corporation shall pay semi-annually to said trustees a sum equal to one per cent. on the amount of said bonds for the purpose of creating a sinking fund. Said trustees shall have the care and management of all moneys, funds and securities belonging to said sinking fund, and they shall from time to time, at their discretion, invest the moneys on hand securely, and so that the same shall be productive, and the same may be invested in the bonds of said corporation, secured as aforesaid, or loaned on interest to any county, or town, or any bank in this state, or the same may be loaned on interest, well secured by a first mortgage of real estate to an amount not exceeding one-half the value thereof, or by pledge of the scrip or stock of any of the New England states, or of any city, county or town, as aforesaid; and the said fund, with the accruing interest, shall constitute a sinking fund for the payment and redemption of said bonds.

How invested, &c.

How secured.

Sinking fund for payment of bonds.

Certain provisions of R. S. applicable to bonds and mortgages.

SECT. 14. The provisions of the fifty-third section of the fifty-first chapter of the revised statutes, and of the nine sections of said chapter next following, are hereby made applicable to said bonds and to said mortgages made to secure the same; but said corporation shall not be subject to the other general provisions of the law relating to railroads.

SECT. 15. This act shall take effect when approved.

Approved February 6, 1869.