

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

115-

OF THE

FORTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1870.

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

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AUGUSTA:  
SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.  
1870.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1870.

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**Chapter 449.**

CHAP. 449.

An act to amend section one of "an act to aid the minor children of William J. Dean," approved February twenty-second, eighteen hundred and sixty-nine.

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

SECT. 1. Section one of "an act to aid the minor children of William J. Dean," approved February twenty-second, eighteen hundred and sixty-nine, is hereby amended, so as to read as follows:

'Sect. 1. Thomas E. Dean and Daniel H. Dean, aged fourteen years; William W. Dean, aged ten years; and Mary L. Dean, aged eight years; and Benjamin S. Dean, aged thirteen years, the minor children of William J. Dean, under sixteen years of age, shall be placed upon the pension rolls of this state; and there shall be paid to the legal guardians of said children for their support, the sum of six dollars each per month from January first, eighteen hundred and sixty-eight, until they shall arrive at the age of sixteen years.'

Amended.  
Names to be placed upon pension rolls.

Allowance for support of children to be paid to guardian.

SECT. 2. An act approved March fifth, eighteen hundred and sixty-nine, entitled "an act to amend section one of 'an act to aid the minor children of William J. Dean,' approved February twenty-second, eighteen hundred and sixty-nine," is hereby repealed.

Act of March 5th, 1869, to aid said minor children, repealed.

SECT. 3. This act shall take effect when approved.

Approved March 10, 1870.

**Chapter 450.**

An act to incorporate the Androscoggin Valley Railroad Company.

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

SECT. 1. Lee Strickland, Amos D. Lockwood, Jacob B. Ham, Eliphalet F. Packard, Josiah G. Coburn, Nathan W. Farwell, Abial M. Jones, Archibald Wakefield, Nelson Dingley junior, John W. Perkins, Sylvester Oaks, William P. Frye, Samuel R. Bearce, Jeremiah Dingley junior, Jacob H. Roak, Asa Cushman, William Kilbourne, Thomas Littlefield, Enos T. Luce, Daniel Holland, John M. Frye, Timothy Bailey, James Monroe, Robert Martin, Eben Jordan junior, James Dingley, Philo Clark, Zebulon H. Bearce, Job Prince, Benjamin F. Teague, Rufus Prince, Isaac N. Parker, Oren B. Cheney, James Wood, S. Soule, Isaac Strickland, Hiram W. Briggs, Timothy Walker, Charles A. Kimball, Alonzo Garcelon, Hiram C. Briggs, John D. Hodge, Thomas J. Cox, William W. Bolster, Isaac Randall, John B. Staples, Samuel Holmes, Cyrus

Coprovers.

CHAP. 450.

Dunn, Essee Fuller, Isaac Chase, Wallace Clark, John J. Holman, Henry W. Park, John Read, Benjamin Poor, George Hopkins, David F. Brown, A. K. Knapp, Reuben Richmond, A. E. Houghton, A. G. Newman, Charles T. Moulton, Stephen P. Adkins, Aaron Stevens, Caleb Blake, James M. Demerritt, Elisha S. Wyman, W. S. Chase, William S. Robinson, William V. Porter, Augustus, J. Knight and Oliver Newman, their associates, successors and assigns, are hereby made and constituted a body politic and corporate by the name of the Androscoggin Valley Railroad Company, and by that name may sue and be sued, plead and be impleaded, and shall be entitled to all proper remedies at law or in equity to secure and protect them in the exercise and use of the rights and privileges conferred by this act and in the performance of the duties hereinafter imposed and enjoined, and to prevent all invasion thereof, or interruption in exercising and performing the same, and shall be subject to all duties and liabilities imposed upon similar corporations by the laws of the state.

Corporate name.

Rights, powers, privileges and liabilities.

Location and route.

SECT. 2. The said corporation is hereby fully empowered to survey, locate, construct, complete, alter and keep in repair a railway with one or more tracks, and all necessary buildings, tunnels, viaducts, turnouts, side tracks, culverts, bridges, drains and all other needful appendages and appurtenances, from some point within the limits of the cities of Lewiston or Auburn, thence northerly up the valley of the Androscoggin river to some point in the towns of Rumford or Peru.

May take land for location, construction and operation of road.

SECT. 3. Said corporation is hereby invested with all the powers, privileges and immunities which may be necessary to carry into effect the objects and purposes of this act; and to this end it shall have the right to take or to purchase and to hold the same, so much of the land and other real estate of private persons or corporations as may be found necessary for the location, construction and convenient operation of said railway; and shall also have the right to take, remove and use for the construction and also for the repair of said railway and its appurtenances any earth, gravel, stone, timber or other materials on or from the land so taken; *provided however*, that the land so taken shall not exceed six rods in width except where greater width is necessary for the purpose of excavation or embankment; *and provided also*, in all cases said corporation shall pay for such lands, estate or materials, such price as they and the owner or owners thereof may mutually agree upon; and in case said parties shall not agree as to the price to be paid, then the said corporation shall pay in any given case such damages as shall be ascertained and determined by the county commissioners of the several counties in which such lands, estates or materials may be situated, in the same manner and under the same conditions as are by law provided in the case of laying out high-

May remove gravel, stone, timber, &c.

Proviso.

In case of disagreement, damages shall be ascertained by county commissioners.

ways. The lands so taken by said corporation shall be held by it in like manner as lands taken and appropriated for highways.

SECT. 4. No application to said county commissioners to estimate damages, as provided in the preceding section, shall be sustained, unless made within three years from the time of taking such lands and other property; and in the event that said railway shall pass through any woodland or forest, said corporation shall have the right to remove or fell any tree or trees standing on such woodlands or in such forest, within four rods from such railway, which may be liable to be blown down upon, or to fall down upon its track, and thereby obstruct or impair the same, by paying therefor a just and reasonable compensation in each case, to be determined and recovered in the event of disagreement between the parties, in the same manner provided in this act for the determination and recovery of other damages.

SECT. 5. The capital stock of said corporation shall consist of not less than one thousand shares of one hundred dollars each par value, but the number of such shares may be from time to time increased at the discretion of the stockholders to an amount not exceeding two thousand shares. The immediate government and direction of the affairs of said corporation, shall be vested in a board of directors, to consist of not more than seven members nor less than five, which members shall be stockholders, and shall be chosen or appointed in the manner hereinafter provided, and shall hold their offices respectively until others shall be chosen or appointed to take their places. A majority of said board shall be a quorum for the transaction of business; and they shall elect one of their number to be president of the board, who shall also be president of the corporation, and they shall also choose a clerk and a treasurer, which latter officer shall be required to give a bond to the corporation in such sum as the directors may determine for the faithful discharge of his trust.

SECT. 6. The directors for the time being, are hereby duly authorized and empowered by themselves or their agents, to exercise all the powers herein granted to the corporation relating to the location, construction and completion of their railway, and for the transportation of persons, goods and property over the same; and also all such power and authority for the management of the affairs of the corporation as may be necessary and proper to carry into effect the objects of this charter. They may purchase and hold lands, materials, engines and cars, and other necessary things, in the name of the corporation, for the use of its railway. They may make from time to time such equal assessments upon all the shares of stock in said corporation as they may deem expedient and necessary as the work progresses, no share, however, being liable in any event to assessments amounting in

Application for estimate of damages to be made within three years.

Trees standing within four rods of road may be removed.

—compensation to be paid therefor.

Capital stock and shares.

Affairs of corporation, government of, vested in board of directors.

Directors, election of, and tenure of office.

Quorum.

President, clerk and treasurer.

Bond of treasurer.

Directors, powers of, in locating and completing their railway.

May purchase and hold lands, materials, engines, cars, &c. Assessments.

## CHAP. 450.

Rules.

May fill vacancies.

Notice of assessments.

Neglect to pay, shares may be sold by auction.

Overplus, how disposed of.

Toll granted and established.

Transportation of property, construction of wheels, form of cars, &amp;c.

Connections with other railways, transportation of passengers and freight.

By-laws.

May lease line of railway.

the whole to more than one hundred dollars. They may establish rules for the government of their own proceedings, and may fill any vacancy which may occur in their own board subsequent to the regular annual meeting.

SECT. 7. The treasurer shall give notice in the manner prescribed by the by-laws of all assessments ordered by the directors; and if any stockholder shall neglect for the space of thirty days after such notice is given to pay any assessment on his share or shares, the directors may order the treasurer to sell such share or shares by public auction to the highest bidder, after giving such reasonable notice of the time and place of sale as the directors may prescribe, and such share or shares shall be duly transferred to the purchaser; and such delinquent stockholder shall be held accountable to the corporation for the balance, if such share or shares shall sell for a less amount than the assessments due thereon, with interest and cost of sale, and in like manner shall be entitled to the overplus in the event that the proceeds of the sale shall exceed the assessments, interest and costs of sale.

SECT. 8. A toll is hereby granted and established for the sole benefit of said corporation, upon all passengers and all property of all descriptions which may be conveyed or transported by them upon their railway, at such rates as may be agreed upon or established from time to time by the directors. The transportation of persons and property, the construction of wheels, the forms of cars and carriages, the weights of loads, and all other matters and things relating to the construction, running and management of said railway, shall be in conformity with such regulations as the directors may from time to time prescribe. The legislature may authorize any other company to make connection with the railway of this corporation at any point on the line of its route, and no discrimination in the rates of freight or passengers shall be made by this corporation, nor by any party or parties who may operate its line of railway or any part thereof, against railroads having the right to connect with the railway of this company; but all passengers and all freight coming from or going to such connecting roads shall be transported promptly and at the same rates of toll and freight prescribed by said corporation for transportation commencing and terminating on its own line of railway.

SECT. 9: Said corporation shall have power to make, ordain and establish all necessary by-laws and regulations consistent with the constitution and laws of this state, for their own government and for the due and orderly conducting of their affairs and the management of their property; and it is also hereby empowered to make connection with any other railroad, or to lease its line of railway, either before or after its completion, to any other railroad company, upon such terms as may be mutually agreed

upon. And for the purpose of raising money wherewith to build and equip its road or to pay debts contracted for that purpose, said corporation may issue its bonds in sums not less than one hundred dollars, and may secure the same by a mortgage of its line of railway, and all its real and personal property, the franchise included, and such bonds shall be good and binding upon the corporation though sold at less than par value.

CHAP. 450.

Bonds issuing of, authorized.

Mortgage of property.

SECT. 10. The annual meeting of said corporation shall be holden at such time as the by-laws shall prescribe and at such place as the directors for the time being shall appoint, at which meeting the directors shall be chosen by ballot, each stockholder by himself or by proxy being entitled at all meetings of the corporation to as many votes as he holds shares; and the directors are hereby authorized to call special meetings of the stockholders whenever they shall deem it proper and expedient. Notice of all meetings of the stockholders shall be given in such manner as the by-laws shall require or as the directors for the time being shall order.

Annual meeting.

Directors, election of.

Special meetings.

Notice of meetings.

SECT. 11. All real estate purchased by said corporation as herein authorized, shall be taxable to said corporation in the towns in which it may be situated, in the same manner as real estate owned by private persons in the same localities, and not otherwise; and the shares owned by the respective stockholders shall be deemed personal property, and be taxable as such to the owners thereof in the places where they reside and have their homes.

Real and personal estate, where to be taxed.

SECT. 12. Any five of the first ten corporators named in the first section of this act, are hereby authorized to call a meeting of the corporators for the purpose of accepting this act and making a preliminary organization of the corporation, by giving notice in the Lewiston Journal, a newspaper published at Lewiston, of the time and place and the purposes of such meeting, at least fourteen days before the time mentioned in such notice; and at such meeting they may determine when and in what manner books shall be opened for subscriptions to stock, and how subsequent meetings of the corporators shall be called and notified, and may transact any other business which may be deemed necessary in carrying forward and completing the organization of the corporation. The attendance of five corporators at any meeting shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day or to a time certain.

First meeting.

Acceptance of act, organization, note of.

Subscription books, when and by whom opened.

Quorum.

SECT. 13. If said corporation shall not be organized, and the location of its line, according to actual survey of the route, shall not be filed with the county commissioners of the several counties through which the same shall pass, on or before the first day of March, in the year of our Lord one thousand eight hundred and

Location and organization, when to be made.



CHAP. 451. seventy-one, or if the said corporation shall fail to complete said railway on or before the first day of March, in the year of our Lord eighteen hundred and seventy-five, then in either of the above mentioned cases this act shall be null and void.

Legislature may inquire into doings of corporation.

SECT. 14. The legislature shall at all times have the right to inquire into the manner in which the privileges and franchises herein and hereby granted may have been used and employed by said corporation, and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said corporation which may be necessary more effectually to compel a compliance with the provisions, liabilities and duties herein set forth and enjoined, and subject to the general laws regulating railroads now upon the statute book or which may hereafter be passed by the legislature of this state.

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

Approved March 10, 1870.

## Chapter 451.

An act to incorporate the Cumberland Dyking Company.

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

Corporators.

SECT. 1. That Seth Scamman, Horatio Hight, Ephraim Harmon, Sewell Milliken, Ira Milliken, Frederick Waterhouse, E. T. Nutter, W. B. Nutter and C. F. Moulton, and other owners of salt marsh, lying north of the Portland, Saco and Portsmouth Railroad, in the town of Scarborough, in the county of Cumberland, and their associates, successors and assigns, are hereby created a body corporate by the name of the Cumberland Dyking Company, for the purpose of building, erecting and maintaining good and sufficient water sluices in Scarborough river and gap, where the said Portland, Saco and Portsmouth Railroad crosses, to shut out the salt water and dyke the marshes above, with all the rights and privileges and subject to all the duties and liabilities of such corporations as defined by the laws of this state.

Name.

Purpose.

Powers and liabilities.

Expenses of improvements may be assessed upon owners.

In case of non-payment of tax for one year, property may be sold.

SECT. 2. To defray the expenses of building and maintaining said sluices, this corporation shall have power to assess a tax upon said marsh, to be paid by the owners thereof according to the value of the lots owned by each, and if any tax so assessed remains unpaid one year from the time any owner shall be notified by the collector of this corporation or other officer whose duty it shall be, that his said lot has been taxed and of the amount there-