

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTIETH LEGISLATURE,

OF THE

STATE OF MAINE.

1871.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1871.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1871.

CHAP. 629.

Proceeds of sale to be paid over to town treasurers.

Neglect or refusal to choose commissioners in case of vacancy, how filled.

Safes and records to be retained by Westbrook.

First meeting, how called.

county shall in like manner sell and convey by deed said farm ; and in either case the proceeds of said sale shall be divided and paid over to the treasurers of the respective towns in proportion of two-thirds to said town of Deering and one-third to said town of Westbrook. In case either town shall neglect or refuse to choose said commissioners at the time or in the manner provided in this act, or in case any of said commissioners shall refuse to act, or there shall be a vacancy by death or otherwise, in either case, said county commissioners shall fill the vacancy by the appointment of some proper person or persons residing in the town where the vacancy shall occur.

SECT. 8. The two safes and all the records of Westbrook shall be retained by the town of Westbrook, as the exclusive depository of the past records and papers of said town of Westbrook, to which each town shall have access.

SECT. 9. Any justice of the peace may call the first meeting of the town of Deering, by posting a warrant therefor, stating the objects of the meeting, in three public and conspicuous places in said town, at least seven days before the time of holding said meeting.

SECT. 10. This act shall take effect on the twenty-first day of March, eighteen hundred seventy-one.

Approved February 16, 1871.

Chapter 629.

An act to incorporate the Alfred and South Berwick Railroad Company.

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

Corporators.

SECT. 1. Edward Fox, A. W. H. Clapp, Winthrop G. Ray, Rufus E. Wood, John Lynch, Harrison J. Libby, A. K. Shurtleff, Frederick Robie, Henry P. Deane, Edward H. Davies, Frederic Fox, Joseph S. Ricker, John McDuffee, George W. Woodman, John A. Waterman, Charles Staples, D. W. Fessenden, B. D. Verrill, N. L. Woodbury, Caleb B. Lord, William H. Conant and William H. Stephenson, their associates, successors and assigns, are hereby made and constituted a body corporate and politic by the name of the Alfred and South Berwick Railroad Company, and by this name may sue and be sued, and shall have and enjoy all proper remedies at law and in equity to secure and protect them in the exercise of the rights and privileges hereinafter granted, and to prevent all invasion thereof or interruptions in the exercise and enjoyment of the same ; and the said corporation is hereby

Corporate name.

Rights and privileges.

authorized and empowered to locate, construct and finally complete, alter and keep in repair, a railroad with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turn-outs, culverts, drains and all other necessary appendages, from some point in Alfred, on the line of the Portland and Rochester Railroad; at or near the depot, and thence extending southerly through Sanford and North Berwick to a point in South Berwick, at or near the junction of the Portland, Saco and Portsmouth Railroad with the roads running to Boston; and said corporation shall be and hereby is invested with all the powers, privileges and immunities which are or may be necessary to carry into effect the objects and purposes of this act; and for this purpose said corporation shall have the right to purchase, or to take, and hold, so much of the land and real estate of private persons and corporations as may be necessary for the location, construction and convenient operation of said railroad; and they shall also have the right to take, remove and use for the construction and repair of said railroad and appurtenances, any earth, gravel, stone, timber or other material on or from the land so taken; *provided however*, that said land so taken shall not exceed six rods in width, except where greater width is necessary for the purposes of excavation or embankment; *and provided also*, that in all cases said corporation shall pay for such lands, estate or material so taken and used, such price as they and the owner or owners thereof may mutually agree upon; and in case said parties shall not otherwise agree, the said corporation shall pay such damages as shall be ascertained and determined by the county commissioners of York county, in the same manner and under the same conditions and limitations as are by law provided in the case of damages by the laying out of highways, and the land so taken by said corporation shall be held as lands taken and appropriated for highways. And no application to said commissioners to estimate said damages shall be sustained unless made within three years from the time of taking such land or other property; and in case such railroad shall pass through any woodland or forests, the said company shall have the right to fell or remove any trees standing therein within four rods of said road, which by their liability to be blown down, or from their natural falling might obstruct or impair said railroad, by paying a just compensation therefor, to be recovered in the same manner as provided for the recovery of other damages in this act.

SECT. 2. The capital stock of said company shall consist of not less than one thousand nor more than eight thousand shares, and the government and direction of the affairs of said company shall be vested in nine directors, who shall be chosen by the stockholders, and shall hold their office until others have been chosen in their place, a majority of whom shall form a quorum for the

Route and location.

Powers and privileges.

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

Earth, gravel, stone and timber, may be removed. Proviso.

Damages, how ascertained, in case of disagreement.

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.

Directors, how chosen, &c. Tenure of office.

CHAP. 629.

President and
vice-president.
Clerk and
treasurer.
Oaths.
Bonds.

Subscription
books, where and
by whom opened.

Notice, how
given.

First meeting,
how called.

Guardians of
certain persons
may settle claims
for damages.

President and
directors, powers
of.

Assessments.

Notice of such
assessments.

transaction of business, and they shall elect one of their number to be president and one to be vice-president of the company, and shall have authority to choose a clerk, who shall be sworn to the faithful discharge of his duty, and a treasurer who shall be sworn and also give bonds to the company, with sureties to the satisfaction of the directors, in a sum not less than ten thousand dollars, for the faithful discharge of his trust; and for the purpose of receiving subscriptions to said stock, books shall be opened under the direction of the persons named in the first section of this act, at such time as they may determine, in the city of Portland and elsewhere, as they shall appoint, to remain open for five successive days at least, of which time and place of subscription public notice shall be given in one newspaper printed in said Portland, and one in the county of York, ten days before the opening of such subscriptions; and any of the seven persons named in the first section of this act are hereby authorized to call the first meeting of said company for the choice of directors and organization, by giving notice in one or more newspapers published as before named, of the time, place and purposes of said meeting, at least fourteen days before the time mentioned in such notice.

SECT. 3. When said corporation shall take any land or other estate, as aforesaid, of any infant, person non compos mentis, or feme covert, whose husband is under guardianship, the guardian of such infant, or person non compos mentis, and such feme covert, with the guardian of her husband, shall have full power and authority to agree and settle with said corporation for damages, or claims for damages, by reason of taking such land and estate as aforesaid, and give good and valid releases and discharges therefor.

SECT. 4. The president and directors for the time being, are hereby authorized and empowered, by themselves or their agents, to exercise all the powers herein granted to the corporation for the purposes of locating, constructing and completing said railroad, and for the transportation of persons, goods and property of all descriptions, and all such powers 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 grant; to purchase and hold land, materials, engines and cars, and other necessary things, in the name of the corporation, for the use of said road, and for the transportation of persons, goods and property of all descriptions; to make equal assessments from time to time on all shares in said corporation as they may deem expedient and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of this corporation. And the treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment

on his share or shares for the space of thirty days after such notice is given as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest and costs of sale; *provided however*, that no assessment shall be laid upon any shares in said corporation of a greater amount in the whole than one hundred dollars.

—neglect to pay, shares may be sold by auction.

Stockholder accountable to corporation for balance, if shares sell for less than assessments. Proviso.

SECT. 5. A toll is hereby granted and established for the sole benefit of said corporation upon all passengers and property of all descriptions which may be conveyed or transported by them upon said road, at such rates as may be agreed upon and established from time to time by the directors of said corporation, and a lien is hereby created on all articles transported for said tolls. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the weights of loads, and all other matters and things in relation to said road, shall be in conformity with such rules, regulations and provisions as the directors shall from time to time prescribe and direct.

Toll granted.

Transportation of property, construction of wheels, forms of cars, &c.

SECT. 6. Said corporation shall have power to make, ordain and establish all necessary by-laws and regulations, consistent with the constitution and the laws of this state, for their own government, and for the due and orderly conducting of their affairs and the management of their property.

By-laws and regulations.

SECT. 7. If any person shall wilfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriages on such railroad, or in any way spoil, injure or destroy said railroad or any part thereof, or anything belonging thereto, or any materials or implements to be employed in the construction of, or for the use of said road, he, she or they, or any person or persons, aiding or abetting such trespass, shall forfeit and pay to said corporation, for every such offence, treble such damages as shall be proved before the justice, court or jury before whom the trial shall be had, to be sued for before any justice, or in any court proper to try the same, by the treasurer of the corporation, or other officer whom they may direct, to the use of said corporation; and such offender or offenders shall be liable to indictment by the grand jury of the county within which such trespass shall have been committed, for any offence or offences contrary to the above provisions; and upon conviction thereof before any court competent to try the same, shall pay a fine not exceeding five hundred dollars to the use of the state, or may be imprisoned for a term not

Malicious injury to corporate property.

Penalties.

CHAP. 630. exceeding five years, at the discretion of the court before whom such conviction may be had.

Real estate, where to be taxed.

SECT. 8. All real estate purchased by said corporation for the use of the same under the fourth section of this act, shall be taxable to said corporation by the several cities, towns and plantations in which said land lies, in the same manner as lands owned by private persons, and shall, in the valuation list, be estimated the same as other adjacent lands of the same quality in such city, town or plantation, and not otherwise; and the shares owned by the respective stockholders, shall be deemed personal estate, and be taxable as such, to the owners thereof, in the places where they reside and have their homes.

Shares deemed personal estate and taxable where owner resides.

Annual meeting.

SECT. 9. The annual meeting of the members of said corporation shall be holden on such day as shall be determined, by their by-laws and at such time and place as the directors for the time being shall appoint, at which meeting the directors shall be chosen by ballot, each proprietor, by himself or proxy, being entitled 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 expedient and proper, giving such notice as the corporation by their by-laws shall direct.

Directors, election of.

Special meetings.

Organization, location and survey of route.

SECT. 10. If the said corporation shall not have been organized, and the location, according to actual survey of the route, filed with the county commissioners of the counties through which the same shall pass, on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-three, or if the said corporation shall fail to complete said railroad on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-five, in either of the abovementioned cases, this act shall be null and void.

Completion of road, time limited for.

Approved February 17, 1871.

Chapter 630.

An act for the extension of the Boston and Maine Railroad.

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

Extension of road authorized.

Route.

SECT. 1. The Boston and Maine Railroad, a corporation existing under authority of law, is hereby authorized to extend its railroad from some convenient point on its present road in Berwick or South Berwick within this state, thence through the towns of South Berwick, North Berwick if necessary, Wells, Kennebunk, Kennebunkport, Biddeford, Saco, Scarborough, and Cape Elizabeth, to some convenient point in the city of Portland; to locate,