

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

SIXTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE.

1883.

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

AUGUSTA :
SPRAGUE & SON, PRINTERS TO THE STATE.
1883.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1883.

Chapter 223.

CHAP. 223

An Act to ratify the contract between the Eastern, and Portland, Saco and Portsmouth Railroad Companies, dated May four, eighteen hundred and seventy-one, and all contracts additional and supplemental thereto.

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

The contract between the Eastern Railroad Company, a corporation chartered by the legislature of Massachusetts, and the Portland, Saco and Portsmouth Railroad Company, a corporation chartered by the legislature of Maine, dated May four, eighteen hundred and seventy-one, and all contracts additional and supplemental thereto, are hereby ratified and confirmed.

Contract between certain railroads, ratified and confirmed.

Approved February 15, 1883.

Chapter 224.

An Act to incorporate the Mechanic Falls, Poland and Gray Railroad Company.

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

SECT. 1. Hiram Ricker, E. P. Ricker, Josiah A. Bucknam, Dura Bradford, Otis Hayford, John S. Briggs, Israel Washburn, Junior, Alfred Cole, R. C. Bradford, H. J. Deshon, Warren H. Vinton, Henry Pennell, Thomas Hancock, Alvin B. Ricker, Hiram W. Ricker, Mellen Goff, Frank Stanley, O. H. Hersey, B. Spaulding, John P. Swasey, George D. Bisbee, James Irish, Nahum Moor, S. C. Andrews, J. H. Decoster, Henry O. Stanley, their associates, successors and assigns, are hereby made a body politic and corporate by the name of the Mechanic Falls, Poland and Gray Railroad Company, and by that name may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges, and the performance of the duties hereinafter granted and enjoined, and the said corporation is hereby 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, turnouts, culverts, drains and all other necessary appendages, from some point on the line of

Corporators.

Corporate name

Powers and privileges.

CHAP. 224

Location and route.

May take or purchase land.

Proviso.

Damages, how determined.

Powers and liabilities.

the railroad leading from Mechanic Falls to Canton, thence through the towns of Minot, Poland, New Gloucester and Gray by the neighborhoods of Poland Corner and Poland Mineral Springs to a point on the Maine Central Railroad in the towns of Gray, North Yarmouth or Cumberland. 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 purposes and objects of this act as herein set forth, and for this purpose said corporation shall have the right to take and hold or to purchase so much of the land and other real estate of private persons and corporations, as may be necessary for the location, construction and convenient operation of said railroad, and shall also have the right to take, remove and use for the construction and repair of said road and appurtenances, any earth, gravel, stone, timber or other materials or property on or from the land so taken : *provided, however*, the land so taken shall not exceed five 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, materials or property such price as they and the respective 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 for the county where such land or other property may be situated, in the same manner and under the same conditions as are by law provided in the case of laying out 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 lands and other property ; and in case said railroad shall pass through any woodlands or forests, the said company shall have the right to remove or fell any of the trees standing thereon within four rods from such 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 is provided for the recovery of the other damages mentioned in this act. And furthermore, said corporation shall have all the powers, privileges

and immunities, and be subject to all the duties and liabilities provided respecting railroads in chapter fifty-one of the revised statutes, not inconsistent with the express provisions of this charter.

SECT. 2. The capital stock of said corporation shall consist of not less than one thousand shares nor more than four thousand shares, of one hundred dollars each, and the immediate government and direction of the affairs of said corporation shall be vested in five, seven or nine directors, or in such number of directors as said railroad company may fix, according to the provisions of chapter one hundred and seventy-seven of the laws of eighteen hundred and seventy-one, entitled "An Act to authorize railroad companies to fix the number of directors," who shall be chosen by the members of said corporation in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places, a majority of whom shall be a quorum for the transaction of business, and they shall elect one of their number to be president of the board, and he shall be also president of the corporation; and said directors shall have authority to choose a clerk and a treasurer, who shall give bonds to the corporation in the sum of ten thousand dollars, at least, with sureties to the satisfaction of the directors for the faithful discharge of his trust; and any ten of the persons named in the first section hereof are hereby authorized to accept this act and organize said corporation at a meeting holden for the purpose, of which notice shall be given by publication seven days previously in the Lewiston Journal, or any newspaper published in the city of Portland.

SECT. 3. 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 purpose of locating, constructing and completing said railroad, and for the transportation of persons, goods and property of all descriptions, and 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 grant; to purchase and hold land, materials, engines and cars, and other necessary things, in the name of the corporation, for the use of the said road and for the transportation of persons, goods and property of all

Capital stock.

Directors, number and how chosen.

—quorum.

Directors authorized to choose clerk and treasurer.

Acceptance of act and first meeting.

President and directors authorized to exercise powers granted by this act.

CHAP. 224

May make
assessments.

—how collected.

Proviso.

Tolls established.

By-laws.

Annual meeting.

descriptions, to make such equal assessments from time to time on all the shares in said corporation as they may deem necessary and expedient in the execution and progress of the work, and direct the same to be paid to the treasurer of the 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 assessment due thereon, with the interest and cost of sale; *provided, however*, that no assessment shall be laid upon any share in said corporation of a greater amount than one hundred dollars in the whole.

SECT. 4. 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 rate as may be agreed upon and established from time to time by the directors of said corporation. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the weight 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, and such laws as may be hereafter enacted.

SECT. 5. 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.

SECT. 6. The annual meeting of the members of said corporation shall be holden on the first Tuesday of December, or such other day as shall be determined by the by-laws, 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, by giving such notice as the corporation by their by-laws shall direct.

SECT. 7. The corporation is hereby invested with power to make connections with any other railroad or railroads and on such terms as the members may deem expedient and proper; and it is hereby authorized to sell or lease the road either before or after it shall have been completed, on such terms and conditions as the stockholders, at a meeting regularly called for that purpose, shall determine.

Authorized to connect with, and lease or sell to, other railroads.

SECT. 8. For the purpose of raising means and funds to accomplish the objects and purposes of this act, said corporation is hereby authorized to make and issue its bonds in such form and manner and payable at such time as the directors may, under the circumstances, deem advisable; and it may secure the principal and interest of said bonds by a mortgage of its railroad and all its lands, property, rights, privileges and franchises then possessed, held or owned or thereafter acquired by said corporation, made to such persons or trustees and in such form and manner as the directors may approve and prescribe.

Authorized to issue bonds.

May mortgage road, etc.

SECT. 9. The corporation shall be authorized to issue non-preferred and preferred stock upon such terms and conditions and to such persons and corporations, and with such limitations and restrictions as may be deemed most for the interest of the subscribers, the success of the corporation and the completion and equipment of the road.

Authorized to issue stock.

SECT. 10. Said corporation shall have five years in which to complete and file the location of said railroad, and eight years to construct the same.

Time for location and construction limited.

SECT. 11. All the powers, privileges and immunities herein and hereby granted shall be subject to all existing laws of the state, and such as may be hereafter enacted.

All powers, etc., subject to general laws.

SECT. 12. This act shall take effect when approved.