

MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1848.

Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1849.

TWENTY-EIGHTH LEGISLATURE.

No. 22.

HOUSE.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND
FORTY-EIGHT.

AN ACT authorizing the Portland, Saco and Portsmouth
Rail Road Company to increase their capital stock,
lease their road, and for other purposes.

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

SECTION 1. The Portland, Saco, and Portsmouth
2 Rail Road Company are hereby authorized to in-
3 crease their capital stock three thousand shares, not
4 exceeding one hundred dollars a share.

SEC. 2. The Portland, Saco, and Portsmouth Rail
2 Road Company are hereby authorized and empow-
3 ered to subscribe for, take and hold shares or stock

4 to an amount not exceeding one hundred thousand
5 dollars in any rail road or roads, which are now or
6 may hereafter be incorporated and established by the
7 laws of this state within the limits of the same.

SEC. 3. The Portland, Saco, and Portsmouth Rail
2 Road Company are hereby authorized and empowered
3 to make any contract, or contracts, by lease or other-
4 wise, with the Boston and Maine Rail Road Com-
5 pany, and the Eastern Rail Road Company, corpora-
6 tions created by the acts or laws of the commonwealth
7 of Massachusetts for the use and maintenance of the
8 rail road and property of said corporation first men-
9 tioned, upon such terms and conditions as may be
10 mutually agreed upon by the contracting parties ;
11 subject to all the duties, obligations and liabilities of
12 said company by virtue of the act incorporating the
13 same and the laws of the state.

CONTRACT.

By these articles of agreement between the Portland, Saco, and Portsmouth Rail Road Company of the first part, and the Kennebec and Portland Rail Road Company of the second part, both being corporations established by law in the State of Maine,

BE IT KNOWN:

1st. That the said party of the second part, agrees to construct in a firm and substantial manner and provide with suitable depots, (except a depot in Portland,) turnouts, switches, water-works, &c., the rail road described in their act of incorporation, including the branch to Bath, which road shall be of the same gauge as that of the Portland, Saco, and Portsmouth Rail Road, and connect therewith at Portland; that when completed said road and appurtenances shall be placed in charge of the said party of the first part, to be maintained and operated as hereinafter provided.

2d. That on receiving in charge the road aforesaid, for the purposes herein named, the said party of the first part will permit the use of their depot and wharf in Portland free of expense to the party of the second part, and will keep the road in good running order, and operate said road by transporting by means of its own engine and cars, all the passengers and freight at such times as may be deemed best by the directors of Portland, Saco, and Portsmouth Rail Road, not less than once each way daily except Sundays, unavoidable accidents excepted, and shall charge therefor for each mile run by engines the average rate which it shall appear to have cost in the aggregate for transportation and repairs of road and equipment in the two roads and branches. If the party of

the second part shall wish way-trains to be run, it may be done at its own expense, unless the party of the first part shall prefer to do it on the terms herein specified.

3d. The receipts, from through passengers and freight, that is, from persons holding through tickets or merchandize through at the rate charged from Boston to Kennebec and vice versa, shall be equally divided between the parties to this contract, the party of the first part providing the passage from Portland to Boston and vice versa at its own charge; this division to continue so long as the Kennebec and Portland Company shall earn less than six per centum per annum; but when that company can divide six per centum per annum the receipts from through passengers and freight shall be divided pro rata according to the distance traveled.

4th. Through tickets for passengers and freight may be sold at any place on either of the roads, but are not to be transferable or used except on the day and for the train when granted.

5th. The passenger fare from Kennebec to Boston and vice versa, shall be four dollars in the four winter months, and three dollars in the eight other months, until otherwise mutually agreed by the parties. Way fares shall be so arranged that any combination of them shall be not less than twenty per cent. more than the through fares and shall appertain to each road according to the rules adopted by it.

6th. If any difference of opinion shall arise as to the true meaning and intent of this contract, or if, after one year's operation, either party shall be dissatisfied with the charge made by the party of the first part for running the road, the subject shall be referred to the president of the Boston and Worcester Rail Road for the time being, or to any umpire appointed by him.

7th. The party of the first part will, as soon as an act allowing it to be done and the acceptance thereof by the stockholders can be procured, subscribe one or two hundred thousand dollars to the stock of the Kennebec and Portland Rail Road, and pay the assessments that may have or may thereafter become due thereon in the same manner and on the same terms as other subscriptions are made.

CONTRACT.

8th. The party of the second part shall not be held to commence the construction of their road until one million of dollars shall have been subscribed.

9th. This contract to be subject to all the existing provisions and laws of the State of Maine, and to continue and be in force for the term of seven years from the time said road shall be placed in charge of the party of the first part by the party of the second part, and until either of the parties shall thereafter have given to the other, at least one year's notice its intention to terminate it.

IN WITNESS WHEREOF, the party of the first part by their president, and the party of the second by a committee duly authorized by a vote of the directors of the Kennebec and Portland Rail Road Company, an attested copy of which is hereunto annexed, have set their hands and seals, this twentieth day of November, eighteen hundred and forty-six.

REUEL WILLIAMS, }
R. H. GARDINER, } Committee. [SEAL.]
JOS. McKEEN, }

D. A. NEAL, *President of the Portland,* [SEAL.]
Saco, and Portsmouth Rail Road.

WITNESS, W. S. TUCKERMAN.

At a meeting of the directors of the Kennebec and Portland Rail Road Company, held at Bath on Friday Nov. 6, 1846,

Voted, That Hon. Reuel Williams, R. H. Gardiner and Joseph McKeen be a committee to complete an arrangement with the Portland, Saco, and Portsmouth Rail Road Company, and to enter into a contract with them upon the basis of the proposals presented by Mr. Williams at the late meeting of the stockholders at Gardiner.

JOS. McKEEN, *Secretary.*

A true copy from records.—Attest:

JOS. McKEEN, *Secretary.*

[The above is a true copy.]

REMONSTRANCE.

*To the Senate and House of Representatives
of the State of Maine, in Legislature assembled :*

The undersigned, stockholders in the Portland, Saco and Portsmouth Rail Road Company, noticing that the directors of said company have petitioned the legislature for power to subscribe for stock in another rail road company, and for increase of capital, respectfully remonstrate against the prayer of said petition so far as it relates to the purchase of stock of other corporations, and also against the increase of the capital stock of said company any farther than may be absolutely necessary to defray the present liabilities of said company ; and the undersigned pray, that, if the legislature grant the prayer of the petition aforesaid of said directors, so far as to authorize an increase of the capital stock of said P. S. and P. R. R. Company, it may be upon the express condition, that the new stock shall be used to cancel and defray the present liabilities of said company, and for no other purposes. And as in duty bound will ever pray.

Dated at Portland this 13th day of June, A. D. 1848.

Phinehas Varnum,	Wm. Moulton,
Charles Q. Clapp,	John Anderson,
John Rand, <i>Adm'r on estate</i>	Thomas Hammond,
Samuel Whittier,	Asa Dresser,
Samuel Trask,	Samuel Chadwick,
Nathaniel Warren,	Augustine Haines,
Joshua B. Osgood,	Henry B. McCobb,
Ruth Cutter, by <i>L. Cutter.</i>	



STATE OF MAINE.

HOUSE OF REPRESENTATIVES, July 13, 1848.

ORDERED, That 350 copies of the foregoing Bill, (reported by Mr. Walker of Lovel, from the committee on rail roads and bridges,) together with the contract between the Kennebec and Portland Rail Road Company and the Portland, Saco and Portsmouth Rail Road Company, and the remonstrance of Phinehas Varnum and others, against the petition of the Portland, Saco and Portsmouth Rail Road Company, be printed for the use of the Legislature.

SAMUEL BELCHER, *Clerk.*