

# MAINE STATE LEGISLATURE

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DOCUMENTS

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THE LEGISLATURE

OF THE

STATE OF MAINE.

DURING ITS SESSION

A. D. 1855.

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1855.

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# THIRTY-FOURTH LEGISLATURE.

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HOUSE.

No. 18.

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## STATE OF MAINE.

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

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AN ACT to establish the Portland and Oxford Central  
Railroad Company.

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

SECTION 1. Ebenezer Cobb, David Dunn, Lucius  
2 Loring, Virgil D. Parris, Sampson Reed, John Hear-  
3 say, Benjamin Swasey, Ephraim Atwood, Thomas  
4 Cary, Thomas Hancock, William Small, junior, Geo.  
5 Bridgham, junior, John Hancock, their associates,  
6 successors and assigns, are hereby made and consti-  
7 tuted a body politic and corporate, by the name of  
8 the *Portland and Oxford Central Railroad Company*,  
9 and by that name shall have and enjoy all the rights,

10 privileges and powers, and be subject to all the obli-  
11 gations enumerated in chapter eighty-one of the  
12 Revised Statutes, and in the several acts subsequently  
13 passed relating to railroads and railroad companies  
14 within this State, not inconsistent with the provisions  
15 of this act.

SECT. 2. Said corporation are hereby authorized  
2 and empowered to locate, construct, and finally com-  
3 plete, alter, and keep in repair, a railroad, with one  
4 or more sets of rails, or tracks, with all suitable  
5 bridges, tunnels, viaducts, turnouts, culverts, drains,  
6 and all other necessary appendages, from some point  
7 of junction with the Kennebec and Portland Rail-  
8 road, at or near Presumpscot river in Falmouth, and  
9 on the northerly side of said river, and extending  
10 thence upon nearly a direct line through Falmouth,  
11 Cumberland, Gray, New Gloucester and Poland, to a  
12 junction with the Buckfield Branch Railroad in Minot.  
13 And said corporation shall be, and hereby are invested,  
14 with all the powers, privileges and immunities, which  
15 are, or may be necessary to carry into effect the pur-  
16 poses and objects of this act, as herein set forth. And  
17 for this purpose, said corporation shall have the right

18 to purchase, or to take and hold, so much of the land  
19 and other real estate of private persons and corpora-  
20 tions, as may be necessary for the location, construction  
21 and convenient operation of said railroad; *Provided*,  
22 *however*, that said land so taken shall not exceed six  
23 rods in width, except where greater width is necessary  
24 for the purpose of excavation or embankment; and  
25 said corporation is hereby empowered to negotiate  
26 with the Kennebec and Portland Railroad Company,  
27 by lease, purchase or otherwise, for a permanent right  
28 of way upon the track or within the limits of said  
29 last named road, from the aforesaid point of junction,  
30 near Presumpscot river, to the city of Portland, with  
31 all the rights and privileges incident thereto, for the  
32 purposes of the corporation hereby created. And in  
33 case such railroad shall pass through any woodlands  
34 or forests, the said company shall have the right to  
35 fell, or remove, any trees standing therein, within four  
36 rods from such road, which by their liability to be  
37 blown down, or from their natural falling might  
38 obstruct or impair said railroad, by paying a just  
39 compensation therefor, to be recovered and paid for

40 in the same manner as is provided for the recovery of  
41 other damages in the acts aforesaid.

SECT. 3. The capital stock of said corporation shall  
2 consist of eleven thousand shares of fifty dollars each,  
3 as the same shall from time to time be authorized by  
4 the stockholders of said corporation, not exceeding in  
5 the aggregate, the ratio of twenty thousand dollars  
6 per mile of the length of railroad hereby authorized.  
7 And the immediate government and direction of the  
8 affairs of said corporation, shall be vested in five or  
9 seven directors, who shall be chosen by the members  
10 of said corporation in the manner hereinafter pro-  
11 vided, and subject to their direction; and shall hold  
12 their offices until others shall have been duly elected  
13 and qualified to take their places, a majority of whom  
14 shall form a quorum for the transaction of business;  
15 and they shall elect one of their number to be presi-  
16 dent of the board, who shall also be president of the  
17 corporation; and shall have authority to choose a  
18 clerk, who shall be sworn to the faithful discharge of  
19 his duty, and a treasurer, who shall be sworn, and  
20 also give bonds to the corporation, with sureties, to

21 the satisfaction of the directors, for the faithful dis-  
22 charge of his trust.

SECT. 4. Any three of the persons named in the  
2 first section of this act, are hereby authorized to call  
3 the first meeting of said corporation, by giving notice  
4 in one or more newspapers, published in the city of  
5 Portland, of the time and place, and the purposes of  
6 such meeting, twenty days before the time mentioned  
7 in such notice.

SECT. 5. Said corporation shall have power to  
2 make, ordain and establish all necessary by-laws and  
3 regulations, consistent with the constitution and the  
4 laws of this State, for their own government, and for  
5 the due and orderly conducting of their affairs, and  
6 the management of their property.

SECT. 6. The president and directors, for the time  
2 being, are hereby authorized and empowered by them-  
3 selves or their agents, to exercise all the powers herein  
4 granted to the corporation, for the purpose of locating,  
5 constructing and completing said railroad, and for the  
6 transportation of persons, goods and property of all  
7 descriptions, and all such power and authority for the  
8 management of the affairs of the corporation as may

9 be necessary and proper to carry into effect the  
10 objects of this grant; to purchase and hold land,  
11 materials, engines and cars, and other necessary  
12 things, in the name of the corporation, for the use of  
13 said road, and for the transportation of persons, goods  
14 and property of all descriptions; to make such equal  
15 assessments from time to time on all the shares in  
16 said corporation, as they may deem expedient and  
17 necessary, in the execution and the progress of the  
18 work, and direct the same to be paid to the treasurer  
19 of the corporation; and the treasurer shall give notice  
20 of all such assessments; and in case any subscriber  
21 or stockholder shall neglect to pay any assessments  
22 on his share or shares, for the space of thirty days  
23 after such notice is given as shall be prescribed by  
24 the by-laws of said corporation, the directors may  
25 order the treasurer to sell such share or shares, at  
26 public auction, after giving such notice as may be  
27 prescribed as aforesaid, to the highest bidder, and the  
28 same shall be transferred to the purchaser, and such  
29 delinquent subscriber or stockholder shall be held  
30 accountable to the corporation for the balance, if his  
31 share or shares shall sell for less than the assessments



32 due thereon, with the interest and cost of sale; *pro-*  
 33 *vided, however,* that no assessments shall be laid upon  
 34 any share in said corporation of a greater amount in  
 34 the whole than fifty dollars.

SECT. 7. A toll is hereby granted and established  
 2 for the sole benefit of said corporation, upon all  
 3 passengers, and property of all descriptions which may  
 4 be conveyed or transported by them upon said road,  
 5 at such rate as may be agreed upon, and established,  
 6 from time to time, by the directors of said corpora-  
 7 tion. The transportation of persons and property,  
 8 the construction of wheels, the forms of cars and  
 9 carriages, the weights of loads, and all other matters  
 10 and things in relation to said road, shall be in con-  
 11 formity with such rules, regulations and provisions  
 12 as the directors shall from time to time direct.

SECT. 8. The said corporation shall at all times  
 2 when the Postmaster General shall require it, be  
 3 holden to transport the mail of the United States  
 4 from and to such place, or places on said road, as  
 5 required, for a fair and reasonable compensation.  
 6 And in case the corporation and the Postmaster  
 7 General shall be unable to agree upon the compensa-

8 tion aforesaid, the Legislature of the State shall  
9 determine the same. And said corporation, after they  
10 shall commence the receiving of tolls, shall be bound  
11 at all times to have said railroad in good repair, and  
12 a sufficient number of suitable engines, carriages and  
13 vehicles for the transportation of persons and articles,  
14 and be obliged to receive at all proper times and  
15 places, and convey the same when the appropriate  
16 tolls therefor shall be paid and tendered, and a lien is  
17 hereby created on all articles transported for said  
18 tolls. And the said corporation fulfilling on its part  
19 all and singular the several obligations and duties by  
20 this section imposed and enjoined upon it, shall not  
21 be held or bound to allow any engine, locomotive,  
22 cars, carriages or other vehicles for the transportation  
23 of persons or merchandize to pass over said railroad,  
24 other than its own furnished and provided for that  
25 purpose, as herein enjoined and required; *Provided,*  
26 *however,* that said corporation shall be under obliga-  
27 tions to transport over said road in connection with  
28 their own trains, the passenger and other cars of any  
29 other incorporated company that may hereafter con-  
30 struct a railroad connecting with that hereby author-

31 ized. Such other company being subject to all the  
 32 provisions of the seventh section of this act, as to  
 33 rates of toll and all other particulars enumerated in  
 34 said section.

SECT. 9. The annual meeting of the members of  
 2 said corporation shall be holden on such day as shall  
 3 be determined by the by-laws, and at such hour and  
 4 place as the directors for the time being, shall ap-  
 5 point; at which meeting the directors shall be chosen  
 6 by ballot, each stockholder, by himself or proxy, being  
 7 entitled to as many votes as he holds shares; and the  
 8 directors are hereby authorized to call special meet-  
 9 ings of the stockholders whenever they shall deem it  
 10 expedient and proper, giving such notice as the cor-  
 11 poration by their by-laws shall direct. And in case  
 12 of a failure from any cause to elect a board of directors  
 13 on the day so appointed for the annual meeting, the  
 14 said meeting shall be adjourned from day to day until  
 15 such election shall have been effected, and a new  
 16 board organized to act. And no director holding over  
 17 his official term of one year, shall perform any other  
 18 acts for the corporation, except such as shall be

19 requisite to preserve the interests of the company until  
20 a new board of directors shall have been organized.

SECT. 10. It shall be competent for said corpora-  
2 tion to purchase on such terms as the parties shall  
3 mutually stipulate, the franchise and all the property  
4 real and personal, road, road bed, track, depots, build-  
5 ings and equipments pertaining to and constituting  
6 the Buckfield Branch Railroad, with all the privileges,  
7 rights of way, and other immunities whatsoever per-  
8 taining to said last named road, and held under and  
9 by virtue of the charter therefor, and for this purpose  
10 proportionably to increase the capital stock of the  
11 corporation hereby authorized, to an extent requisite  
12 to represent the value of such purchase, and to add  
13 certificates of shares accordingly to the number other-  
14 wise authorized by this act. And from and after such  
15 purchase, and a transfer of said franchise and property  
16 by the owners thereof, said Buckfield Branch Railroad  
17 shall merge in and become a part of the Portland  
18 and Oxford Central Railroad, and subject to all the  
19 liabilities and entitled to all the privileges, rights and  
20 immunities of the other property of said Portland

21 and Oxford Central Railroad Company; and the  
 22 charter hereby granted shall in such case be and  
 23 operate in all the powers, rights and privileges herein  
 24 described coextensively with the line of road herein  
 25 first described, and the line heretofore embraced by  
 26 the act incorporating said Buckfield Branch Railroad  
 27 Company, and the last named company shall there-  
 28 upon cease, except for the purposes of preserving the  
 29 rights of the creditors thereof, none of which rights  
 30 shall be limited, enlarged, changed or annulled by  
 31 anything herein contained or provided.

SECT. 11. The Legislature shall at all times have  
 2 the right to inquire into the doings of the corpora-  
 3 tion, and into the manner in which the privileges  
 4 and franchises herein and hereby granted may have  
 5 been used and employed by said corporation, and to  
 6 correct and prevent all abuses of the same, and to pass  
 7 any laws imposing fines and penalties upon said  
 8 corporation, which may be necessary, more effectually  
 9 to compel a compliance with the provisions, liabilities  
 10 and duties herein before set forth, and enjoined, but  
 11 not to impose any other or further duties, liabilities  
 12 or obligations. And this charter shall not be revoked,

13 annulled, altered, limited or restrained without the  
 14 consent of the corporation, except by due process of  
 15 law.

SECT. 12. If the said corporation shall not have been  
 2 organized, and the location according to actual survey  
 3 of the route filed with the County Commissioners of  
 4 of the county of Cumberland, on or before the thirty-  
 5 first day of December, in the year of our Lord, one  
 6 thousand eight hundred and fifty-six, or if the said cor-  
 7 poration shall fail to complete said Railroad on or be-  
 8 fore the thirty-first day of December in the year of our  
 9 Lord one thousand eight hundred and sixty-six, in  
 10 either of the above mentioned cases, this act shall  
 11 be null and void.

HOUSE OF REPRESENTATIVES, }  
 April 11, 1854. }

This bill having had three several readings was referred to the  
 next Legislature. Sent up for concurrence.

JOHN J. PERRY, *Clerk.*

IN SENATE, April 18, 1854.

This bill was read twice and referred to the next Legislature in  
 concurrence.

WILLIAM TRAFTON, *Secretary,*

STATE OF MAINE.

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HOUSE OF REPRESENTATIVES, }  
March 8, 1855. }

ORDERED, That 350 copies of the foregoing Bill, be printed for  
the use of the Legislature.

H. K. BAKER, *Clerk.*