

# 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)

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING ITS SESSION

A. D. 1857.

---

PART SECOND.

---

AUGUSTA:  
STEVENS & BLAINE, PRINTERS TO THE STATE.  
1857.

---

# THIRTY-SIXTH LEGISLATURE.

---

HOUSE.]

[No. 3.

---

## STATE OF MAINE.

---

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

---

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

---

*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 sey, Benjamin Swasey, Ephraim Atwood, Thomas  
4 Cary, Thomas Hancock, William Small, junior, Geo.  
5 Bridgham, junior, John Hancock, Henry Pennell  
6 and Francis O. J. Smith, their associates, successors  
7 and assigns, are hereby made and constituted a  
8 body politic and corporate, by the name of the  
9 *Portland and Oxford Central Railroad Company*,  
10 and by that name shall have and enjoy all the

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

SECT. 2. Said corporation are hereby authorized  
2 and empowered to locate, construct, and finally  
3 complete, alter, and keep in repair, a railroad, with  
4 one or more sets of rails, or tracks, with all suitable  
5 ble bridges, tunnels, viaducts, turnouts, culverts,  
6 drains, and all other necessary appendages, from  
7 some point in the city of Portland, or of junction  
8 with the York and Cumberland Railroad, or with  
9 the Kennebec and Portland Railroad, and extend-  
10 ing thence upon the most eligible line through  
11 Westbrook, Falmouth, Cumberland, Gray, New  
12 Gloucester and Poland, to a junction with the  
13 Buckfield Branch Railroad in Minot. And said  
14 corporation shall be, and hereby are invested, with  
15 all the powers, privileges and immunities, which  
16 are, or may be necessary to carry into effect the  
17 purposes and objects of this act, as herein set

18 forth. And for this purpose, said corporation shall  
19 have the right to purchase, or to take and hold,  
20 so much of the land and other real estate of private  
21 persons and corporations, as may be necessary for  
22 the location, construction and convenient operation  
23 of said railroad; *Provided, however,* that said land  
24 so taken shall not exceed six rods in width, except  
25 where greater width is necessary for the purpose  
26 of excavation or embankment; and said corpora-  
27 tion is hereby empowered to negotiate with the York  
28 and Cumberland Railroad Company from said point  
29 of junction, and with the Kennebec and Portland  
30 Railroad Company, from such point of junction  
31 therewith, by lease, purchase or otherwise, for a  
32 permanent right of way upon the track or within  
33 the limits of said last named roads, to the city of  
34 Portland, with all the rights and privileges that  
35 shall be thereby made incident thereto, for the pur-  
36 poses of the corporation hereby created. And in  
37 case such railroads shall pass through any woodlands  
38 or forests, the said company shall have the right to  
39 fell, or remove, any trees standing therein, within four  
40 rods from such road, which by their liability to be

41 blown down, or from their natural falling might  
42 obstruct or impair said railroad, by paying a just  
43 compensation therefor, to be recovered and paid for  
44 in the same manner as is provided for the recovery of  
45 other damages in the acts aforesaid.

SECT. 3. The capital stock of said corporation shall  
2 consist of sixteen thousand shares of fifty dollars  
3 each, as the same shall from time to time be author-  
4 ized by the stockholders of said corporation, to be  
5 issued, not exceeding in the aggregate for the pur-  
6 poses of construction, the ratio of twenty thousand  
7 dollars per mile of the length of railroad hereby  
8 authorized. And the immediate government and  
9 direction of the affairs of said corporation, shall be  
10 vested in five or seven directors, who shall be chosen  
11 by the members of said corporation in the manner  
12 hereinafter provided, and subject to their direction ;  
13 and shall hold their offices until others shall have  
14 been duly elected and qualified to take their places,  
15 a majority of whom shall form a quorum for the  
16 transaction of business ; and they shall elect one of  
17 their number to be president of the board, who shall  
18 also be president of the corporation ; and shall have

19 authority to choose a clerk, who shall be sworn to  
 20 the faithful discharge of his duty, and a treasurer,  
 21 who shall be sworn, and also give bonds to the cor-  
 22 poration, with sureties, to the satisfaction of the direc-  
 23 tors, for the faithful discharge 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, ten days before the time mentioned in  
 7 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; and to create  
 7 bonds for the payment of any needful indebtedness  
 8 of the company, secured by mortgages of the fran-  
 9 chise, and other property of the company, with all  
 10 the privileges of redemption incident to mortgaged  
 11 real estate, and not otherwise. And for all the pur-

12 poses of such mortgages, all property of said corpora-  
13 tion shall be deemed and treated as real estate exclu-  
14 sively.

SECT. 6. The president and directors, for the time  
2 being, under the direction of the stockholders, are  
3 hereby authorized and empowered by themselves or  
4 their agents, to exercise all the powers herein granted  
5 to the corporation, for the purpose of locating, con-  
6 structing and completing said railroad, and for the  
7 transportation of persons, goods and property of all  
8 descriptions, and all such power and authority for the  
9 management of the affairs of the corporation as may  
10 be necessary and proper to carry into effect the  
11 objects of this grant; to purchase and hold land,  
12 materials, engines and cars, and other necessary  
13 things, in the name of the corporation, for the use  
14 of said road, and for the transportation of persons,  
15 goods and property of all descriptions; to make such  
16 equal assessments from time to time on all the shares  
17 in said corporation, as they may deem expedient and  
18 necessary, in the execution and the progress of the  
19 work, and direct the same to be paid to the treasurer



20 of the corporation ; and the treasurer shall give notice  
21 of all such assessments ; and in case any subscriber  
22 or stockholder shall neglect to pay any assessments  
23 on his share or shares, for the space of thirty days  
24 after such notice is given as shall be prescribed by  
25 the by-laws of said corporation, the directors may  
26 order the treasurer to sell such share or shares, at  
27 public auction, after giving such notice as may be  
28 prescribed as aforesaid, to the highest bidder, and the  
29 same shall be transferred to the purchaser, and such  
30 delinquent subscriber or stockholder shall be held  
31 accountable to the corporation for the balance, if his  
32 share or shares shall sell for less than the assessments  
33 due thereon, with the interest and cost of sale ; *pro-*  
34 *vided, however,* that no assessments shall be laid upon  
35 any share in said corporation of a greater amount in  
36 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  
4 may be conveyed or transported by them upon said  
5 road, at such rate as may be agreed upon, and estab-

6 lished, from time to time, by the directors of said  
7 corporation. The transportation of persons and prop-  
8 erty, the construction of wheels, the forms of cars  
9 and carriages, the weights of loads, and all other  
10 matters and things in relation to said road, shall be  
11 in conformity with such rules, regulations and pro-  
12 visions as the directors shall from time to time  
13 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 compen-  
8 sation aforesaid, the Legislature of the State shall  
9 determine the same. And said corporation, after  
10 they shall commence the receiving of tolls, shall be  
11 bound at all times to have said railroad in good  
12 repair, and a sufficient number of suitable engines,  
13 carriages and vehicles for the transportation of per-  
14 sons and articles, and be obliged to receive at all

15 proper times and places, and convey the same when  
 16 the appropriate tolls therefor shall be paid and tend-  
 17 ered, and a lien is hereby created on all articles  
 18 transported for said tolls. And the said corporation  
 19 fulfilling on its part all and singular the several  
 20 obligations and duties by this section imposed and  
 21 enjoined upon it, shall not be held or bound to  
 22 allow, without its consent by lease or otherwise,  
 23 any engine, locomotive, cars, carriages or other  
 24 vehicles for the transportation of persons or mer-  
 25 chandize to pass over said railroad, other than its  
 26 own, furnished and provided for that purpose, as  
 27 herein enjoined and required; *Provided, however,*  
 28 that said corporation shall be under obligations to  
 29 transport, or may contract for the transport, over  
 30 said road in connection with their own trains or  
 31 otherwise, the passenger and other cars of any other  
 32 incorporated company having a railroad connecting  
 33 with that hereby authorized. Such other company  
 34 being subject to all the provisions of the seventh  
 35 section of this act, as to rates of toll and all other  
 36 particulars enumerated in 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  
17 over his official term of one year, shall perform any  
18 other 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,  
 5 buildings and equipments pertaining to and con-  
 6 stituting the Buckfield Branch Railroad, with all  
 7 the privileges, rights of way, and other immunities  
 8 whatsoever pertaining to said last named road, and  
 9 held under and by virtue of the charter therefor,  
 10 and for this purpose proportionably to increase the  
 11 capital stock of the corporation hereby authorized,  
 12 to an extent requisite to represent the value of such  
 13 purchase, and to add certificates of shares accordingly  
 14 to the number otherwise authorized by this act. And  
 15 from and after such purchase, and a transfer of said  
 16 franchise and property by the owners thereof, said  
 17 Buckfield Branch Railroad shall merge in and become  
 18 a part of the Portland and Oxford Central Railroad,  
 19 and be subject to all the liabilities and entitled to all  
 20 the privileges, rights and immunities of the other  
 21 property of said Portland and Oxford Central Rail-  
 22 road Company; and the charter hereby granted shall  
 23 in such case be and operate in all the powers, rights  
 24 and privileges herein described coextensively with the  
 25 line of road herein first described, and the line here-

26 tofore embraced by the act incorporating said Buck-  
27 field Branch Railroad Company, and the last named  
28 company shall thereupon cease, except for the pur-  
29 poses of preserving the rights of the creditors thereof,  
30 none of which rights shall be limited, enlarged,  
31 changed or annulled by anything herein contained  
32 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. It shall be competent for said corpora-

tion, if possessed of the Buckfield Branch Railroad under this charter, or for the proprietors of the last named road, to continue and prolong their said road on the most eligible route through Wilton to Farmington, and to any other towns, named in the act additional to the "act to establish the Androscoggin Railroad Company," passed the eleventh day of August, eighteen hundred and forty-nine, and on such terms, as shall be mutually satisfactory to and agreed on by said several corporations and parties, and not otherwise; and in such case, to have and exercise all the powers and privileges necessary to carry said object into effect, including therein an addition of capital stock equal to the ratio of twenty thousand dollars per mile for the distance so continued and prolonged.

SECT. 13. The stockholders of said corporation shall be exempt from the operation of the provisions of sections eighteen, nineteen, and twenty, of chapter twenty-six of the revised statutes, and all provisions auxiliary thereto; but the stock, and interest in the stock of said corporation, of each member thereof, shall be liable to

7 seizure, and sale, and transfer, in the same manner as  
8 for such stockholder's individual debt, upon execution  
9 duly recovered against said corporation, whenever the  
10 officer holding such execution shall first ascertain and  
11 certify upon such execution, that he cannot find  
12 corporate property or estate wherewith to satisfy the  
13 same; and each stockholder whose stock shall be so  
14 seized and sold for the debt of the corporation, shall  
15 have the same remedy for the amount thereof by con-  
16 tribution against other members of said corporation,  
17 as is contemplated in the twenty-second section of the  
18 aforesaid chapter of the revised statutes.

SECT. 14. If the said corporation shall not have  
2 been organized, and the location according to actual  
3 survey of the route filed with the County Commis-  
4 sioners of the counties respectively in which the same  
5 may be located, on or before the the thirty-first day  
6 of December, in the year of our Lord, one thousand  
7 eight hundred and sixty; or if the said corporation  
8 shall fail to complete said Railroad to the extent of  
9 its rights under this charter, on or before the thirty-  
10 first day of December, in the year of our Lord one



11 thousand eight hundred and sixty-eight, in either of  
12 the above mentioned cases this act shall be null and  
13 void for so much of the said line or route as shall at  
14 said time remain unfinished.

## STATE OF MAINE.

---

IN HOUSE, Feb'y 2, 1857.

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

GEORGE W. WILCOX, *Clerk.*