

MAINE STATE LEGISLATURE

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DOCUMENTS

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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. 35.

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 body
8 politic and corporate, by the name of the Portland

9 and Oxford Central Railroad Company, and by that
10 name shall have and enjoy all the rights, privileges
11 and powers, and be subject to all the obligations
12 enumerated in chapter eighty-one of the revised stat-
13 utes, and in the several acts subsequently passed
14 relating to railroads and railroad companies within
15 this state.

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 York and Cumberland Railroad,
8 or with the Kennebec and Portland Railroad, north-
9 wardly of the present point of junction of said roads
10 in Westbrook, and extending thence upon the most
11 eligible line through Westbrook, Falmouth, Cumber-
12 land, Gray, New Gloucester and Poland, to a junction
13 with the Buckfield Branch Railroad in Minot. And
14 said corporation shall be, and hereby are invested,
15 with all the powers, privileges and immunities, which
16 are, or may be necessary to carry into effect the pur-

17 poses and objects of this act, as herein set forth. And
 18 for this purpose, said corporation shall have the right
 19 to purchase, or take and hold under, and subject to,
 20 and in the manner provided by existing laws regula-
 21 ting the taking and holding of lands for the purposes
 22 of railroads, so much of the land and other real estate
 23 of private persons and corporations, as may be neces-
 24 sary for the location, construction and convenient
 25 operation of said railroad; *Provided, however,* that
 26 said land so taken shall not exceed six rods in width,
 27 except where greater width is necessary for the pur-
 28 pose of excavation or embankment; and said corpora-
 29 tion is hereby empowered to negotiate with the York
 30 and Cumberland Railroad Company, and with the
 31 Kennebec and Portland Railroad Company, by lease,
 32 purchase or otherwise, for a permanent right of way
 33 upon the track or within the limits of said last named
 34 roads, from said point of junction to the city of Port-
 35 land, with all the rights and privileges that shall be
 36 thereby made incident thereto, for the purposes of the
 37 corporation hereby created. And in case such rail-
 38 roads shall pass through any woodlands or forests,
 39 the said company shall have the right to fell, or

40 remove, any trees standing therein, within four rods
41 from such road, which by their liability to be blown
42 down, or from their natural falling might obstruct or
43 impair said railroad, by paying a just compensation
44 therefor, to be recovered and paid for in the same
45 manner as is provided for the recovery of other dam-
46 ages 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 the
 20 faithful discharge of his duty, and a treasurer, who
 21 shall be sworn, and also give bonds to the corporation,
 22 with sureties, to the satisfaction of the directors, for
 23 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 of
 8 the company, secured by mortgages of the franchise,
 9 and other property of the company, with all the priv-

10 illeges of redemption incident to mortgaged real estate,
11 and not otherwise. And for all the purposes of such
12 mortgages, all property of said corporation shall be
13 deemed and treated as real estate exclusively.

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 objects
11 of this grant; to purchase and hold land, materials,
12 engines and cars, and other necessary things, in the
13 name of the corporation, for the use of said road, and
14 for the transportation of persons, goods and property
15 of all descriptions; to make such equal assessments
16 from time to time on all the shares in said corporation,
17 as they may deem expedient and necessary, in the
18 execution and the progress of the work, and direct the
19 same to be paid to the treasurer of the corporation;

20 and the treasurer shall give notice of all such assess-
21 ments ; and in case any subscriber or stockholder shall
22 neglect to pay any assessments on his share or shares,
23 for the space of thirty days after such notice is given
24 as shall be prescribed by the by-laws of said corpora-
25 tion, the directors may order the treasurer to sell such
26 share or shares, at public auction, after giving such
27 notice as may be prescribed as aforesaid, to the highest
28 bidder, and the same shall be transferred to the pur-
29 chaser, and such delinquent subscriber or stockholder
30 shall be held accountable to the corporation for the
31 balance, if his share or shares shall sell for less than
32 the assessments due thereon, with the interest and cost
33 of sale ; *provided, however*, that no assessments shall
34 be laid upon any share in said corporation of a greater
35 amount in the whole than fifty dollars.

SECT. 7. A toll is hereby granted and established
2 for the sole benefit of said corporation, upon all pas-
3 sengers, and property of all descriptions which may be
4 conveyed or transported by them upon said road, at
5 such rate as may be agreed upon, and established, from
6 time to time, by the directors of said corporation. The
7 transportation of persons and property, the construc-

tion of wheels, the forms 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 direct.

SECT. 8. The said corporation shall at all times when the Postmaster General shall require it, be holden to transport the mail of the United States from and to such place, or places on said road, as required, for a fair and reasonable compensation. And in case the corporation and the Postmaster General shall be unable to agree upon the compensation aforesaid, the Legislature of the State shall determine the same. And said corporation, after they shall commence the receiving of tolls, shall be bound at all times to have said railroad in good repair, and a sufficient number of suitable engines, carriages and vehicles for the transportation of persons and articles, and be obliged to receive at all proper times and places, and convey the same when the appropriate tolls therefor shall be paid and tendered, and a lien is hereby created on all articles transported for said tolls. And the said corporation fulfilling on its part all and singular the

19 several obligations and duties by this section imposed
20 and enjoined upon it, shall not be held or bound to
21 allow, without its consent by lease or otherwise, any
22 engine, locomotive, cars, carriages or other vehicles
23 for the transportation of persons or merchandize to
24 pass over said railroad, other than its own, furnished
25 and provided for that purpose, as herein enjoined and
26 required; *provided, however*, that said corporation
27 shall be under obligations to transport, or may con-
28 tract for the transport, over said road in connection
29 with their own trains or otherwise, the passenger and
30 other cars of any other incorporated company having
31 a railroad connecting with that hereby authorized.
32 Such other company being subject to all the provi-
33 sions of the seventh section of this act, as to rates of
34 toll and all other 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 appoint;
5 at which meeting the directors shall be chosen by
6 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 direc-
13 tors on the day so appointed for the annual meeting,
14 the said meeting shall be adjourned from day to day
15 until 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 requi-
19 site to preserve the interests of the company until a
20 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 and
 18 Oxford Central Railroad, and be subject to all the
 19 liabilities and entitled to all the privileges, rights and
 20 immunities of the other property of said Portland and
 21 Oxford Central Railroad Company; and the charter
 22 hereby granted shall in such case be and operate in
 23 all the powers, rights and privileges herein described
 24 co-extensively with the line of road herein first de-
 25 scribed, and the line heretofore embraced by the act
 26 incorporating said Buckfield Branch Railroad Com-
 27 pany, and the last named company shall thereupon
 28 cease, except for the purposes of preserving the rights
 29 of the creditors thereof, none of which rights shall be
 30 limited, enlarged, changed or annulled by anything
 31 herein contained or provided.

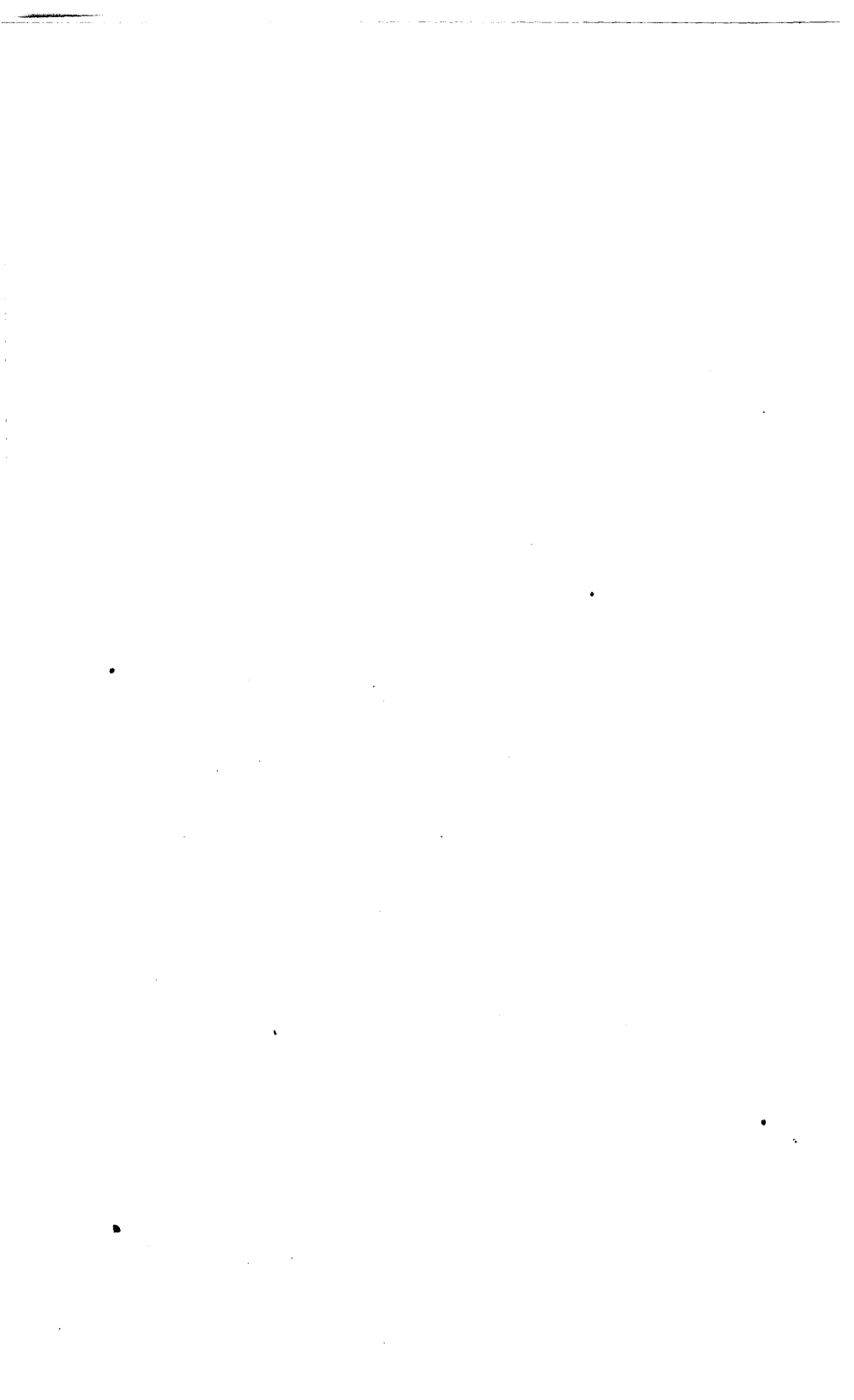
SECT. 11. The Legislature shall at all times have
 2 the right to inquire into the doings of the corporation,

3 and into the manner in which the privileges and fran-
4 chises herein and hereby granted may have been used
5 and employed by said corporation, and to correct and
6 prevent all abuses of the same, and to pass any laws
7 imposing fines and penalties upon said corporation,
8 which may be necessary, more effectually to compel a
9 compliance with the provisions, liabilities and duties
10 herein before set forth, and enjoined, but not to impose
11 any other or further duties, liabilities or obligations.
12 And this charter shall not be revoked, annulled, altered,
13 limited or restrained, without the consent of the cor-
14 poration, except by due process of law.

SECT. 12. The building of said railroad shall not
2 be commenced, until a bona fide and responsible sub-
3 scription to the capital stock of said company is
4 obtained, to an amount at least equal to fifty per cent.
5 of the engineer's estimate of the whole cost of said
6 railroad, exclusive of any stock to be paid for by the
7 transfer of any other railroad to said company. If
8 said company shall commence building said railroad
9 before such subscription is obtained, they shall have
10 no benefit from the provisions of this act.

SECT. 13. 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 thirty-first day of
6 December, in the year of our Lord one thousand eight
7 hundred and sixty; or if the said corporation shall
8 fail to complete said railroad to the extent of its rights
9 under this charter, on or before the thirty-first day of
10 December, in the year of our Lord one thousand eight
11 hundred and sixty-eight, in either of the above men-
12 tioned cases this act shall be null and void for so much
13 of the said line or route as shall at said time remain
14 unfinished.



.STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
March 27, 1857. }

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

GEO. W. WILCOX, *Clerk.*