

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. 38.]

STATE OF MAINE.

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

AN ACT to incorporate the Proprietors of the Augusta
Free Bridge Company.

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

SECTION 1. John A. Pettingill, Joseph W. Patterson,
2 Thomas Little, Hiram H. Hill, E. K. Robinson, Wil-
3 liam C. Barton and George Robinson, with their as-
4 sociates and successors, be, and they hereby are,
5 incorporated into a company by the name of the
6 Augusta Free Bridge Company, with power to pros-
7 ecute and defend suits at law; use a common seal;
8 make by-laws for the management of their affairs and

9 protection of their property, not repugnant to the laws
10 of the State ; choose all necessary officers, and have and
11 exercise all the powers usually granted to bridge corpo-
12 rations, except the power of demanding and receiving
13 tolls of stockholders or of any members of their families.

SECT. 2. Said corporation is authorized to purchase
2 the toll bridge across the Kennebec River, at Au-
3 gusta, in the County of Kennebec, on application to
4 the proprietors thereof, or their agent, clerk or treas-
5 urer, by paying to them the value of said toll bridge
6 and their franchise, together with the toll house [at-
7 tached to same,] and the land on which said bridge
8 is erected, to be mutually agreed upon by the parties ;
9 or appraised by persons mutually agreed upon ; or in
10 case no such agreement can be had, the value at which
11 the same may be purchased, shall be ascertained by
12 three disinterested persons, inhabitants of the County
13 of Kennebec, on application of either party to any
14 Judge of the Supreme Judicial Court, to be by him
15 appointed. Said appraisers shall give to the parties
16 notice of the time of their meeting to examine and
17 appraise said property, and make to each party a
18 written award, signed by at least a majority of said

19 appraisers under oath, for whose services compensa-
20 tion shall be made by the Free Bridge Company.
21 After application made as aforesaid to the proprietors
22 of the Kennebec Bridge, for a sale thereof, said pro-
23 prietors shall have sixty days within which to give
24 their answer, whether they will sell or not, and in
25 case the value of said property shall be ascertained
26 by appraisal, as aforesaid, said proprietors shall have
27 two months within which to decide whether they will
28 sell according to said appraisement, and if within
29 that time they shall elect to sell and convey said pro-
30 perty at the price at which the same shall have been
31 appraised by said appraisers, and shall give written
32 notice thereof, to said Free Bridge Company, then
33 said Free Bridge Company, shall, within six months
34 from the receipt of such notice, pay such appraised
35 value to such person as said proprietors shall in said
36 notices designate, and for their use, or take no ben-
37 efit by this act; and if said Free Bridge Company
38 shall pay said appraised value within the time, and in
39 the manner aforesaid, or within six months from the
40 time a price may be agreed upon, then they shall be
41 entitled to receive a conveyance of said property. But

42 the proprietors of said Kennebec Bridge shall take
43 and receive their tolls until the amount of said ap-
44 praisement or price agreed upon is paid, as herein
45 provided.

SECT. 3. If the proprietors of the Kennebec Bridge
2 shall not within the sixty days allowed as aforesaid,
3 make known in writing to said Free Bridge Company
4 their consent to sell said property agreeable to the
5 provisions of this act, or shall not within the two
6 months allowed, after the appraisement shall have
7 been made known to them, notify said Free Bridge
8 Company of their election to comply with the con-
9 ditions of said appraisal, and to convey their property
10 upon being paid the sum at which the same shall
11 have been appraised, within the time fixed by this act,
12 then the proprietors hereby incorporated, their asso-
13 ciates and successors are hereby authorized to erect,
14 maintain, rebuild and repair, a bridge across the Ken-
15 nebec River at Augusta, at such place as they may
16 select between a line drawn at right angles across said
17 river from the South side of the Vose Wharf, and a
18 line parallel with the South side of Kennebec Bridge
19 and thirty feet distant Southerly therefrom, or at such

20 point as they may select between said Kennebec
21 bridge and the Somerset and Kennebec Railroad
22 bridge, *provided*, however, the same shall not be built
23 within ten rods of said Kennebec bridge, if built on
24 the North side thereof, nor within six rods of said
25 Railroad bridge. And *provided* further, the City of
26 Augusta is hereby authorized to lay out and maintain
27 such public ways as may be necessary to connect any
28 existing highways in said city by means of said bridge,
29 and the same proceedings shall be had in the estima-
30 tion and payment of the damages to land owners over
31 whose land said ways may be laid out, as is now pro-
32 vided by law for the laying out of highways.

SECT. 4. Said corporation is hereby empowered and
2 authorized to take the land and buildings of any person
3 or persons within the limits aforesaid, necessary for the
4 erection of said bridge, and the protection of the
5 abutments thereof, upon payment to the owners
6 thereof, of all damages which may be caused to their
7 estates more than they may be benefitted thereby, and
8 if the parties cannot agree upon the amount to be
9 paid as damages, the same may be appraised by three
10 disinterested citizens of the County of Kennebec,

11 agreed upon by the parties, or appointed by the County
12 Commissioners of the County of Kennebec, on appli-
13 cation of either party, and the report of said appraisers
14 or a majority of them, under oath, made to said court,
15 shall be final and conclusive, unless either party shall
16 object thereto within thirty days after said report is
17 made, in which case a jury may be had by the party
18 objecting, as provided for the estimation of damages
19 by the location of highways, and in the construction
20 of said bridge the same shall be so constructed as to
21 allow as free flow of water between the piers thereof,
22 as there now is between the piers of the Railroad
23 bridge before named, and the arches of said bridge
24 shall be as high above the level of the water in the
25 river, as the arches of the Kennebec bridge now are.

SECT. 5. Said corporation is hereby empowered for
2 the purpose of raising the necessary funds for the
3 erection of said bridge, to issue certificates of stock
4 in said bridge, not exceeding six thousand in number,
5 at a price not exceeding six dollars for each certificate
6 or share, which certificates shall be transferable by
7 the owners thereof, and it shall be the duty of the
8 clerk of said corporation to record the names of all

9 persons to whom certificates of stock shall be issued,
10 in a book to be kept for that purpose, and to enter
11 the names of all persons to whom any certificate may
12 have been transferred, upon being requested so to do,
13 and any person owning one certificate or share, shall
14 be entitled himself and family and teams, to pass said
15 bridge free of toll, so long as the same shall stand,
16 but all persons not share owners, or members of the
17 family of some share owner, shall pay the same toll
18 now paid to Kennebec bridge.

SECT. 6. Said corporation shall have power at any
2 time, after the erection of said bridge, or the purchase
3 of Kennebec bridge, to convey the same to the city of
4 Augusta, together with all the privileges, rights and
5 immunities which they may acquire under this act,
6 and the said city of Augusta is hereby empowered to
7 take and hold the same, in conformity with this act.

SECT. 7. All monies received by said Company from
2 sales of stock, contributions, or tolls, over and above
3 the amount necessary for the erection of said bridge
4 or the purchase of the Kennebec bridge, after deduct-
5 ing all necessary incidental expenses, shall be depos-
6 ited with the treasurer of the city of Augusta, and it

7 shall be the duty of said treasurer to receive the same,
8 and of said city to cause the same to be put upon in-
9 terest for the benefit of this corporation, and whenever
10 er a fund shall be obtained amounting with the inter-
11 est to the sum of fifteen thousand dollars, the same
12 shall be deemed sufficient, with the annual interest
13 thereon, to keep said bridge in repair, and the bridge
14 shall then be free to all.

SECT. 8. If the corporation hereby created shall
2 not within five years from the passage of this act,
3 purchase the Kennebec bridge, or build a new bridge,
4 then this act shall be void and of no effect, and the
5 first meeting of this corporation may be called by any
6 two of the persons named in the first section of this
7 act, by notice published in some newspaper, published
8 in the County of Kennebec.

SECT. 9. This act shall take effect and be in force
2 from and after its approval by the Governor.

STATE OF MAINE.

HOUSE OF REPRESENTATIVES, }
April 1, 1857. }

Reported by Mr. Bicknell, from the Committee on Railroads, Ways and
Bridges. Report accepted. Bill read twice, and on motion of Mr. Drum-
mond of Waterville, 350 copies of the bill ordered to be printed for the use
of the Legislature.

GEO. W. WILCOX, *Clerk.*