

# MAINE STATE LEGISLATURE

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# FIFTY-SECOND LEGISLATURE.

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SENATE.

No. 6.

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## STATE OF MAINE.

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

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AN ACT to incorporate the Portland, Bath and Sea Shore  
Railroad Company.

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

SECTION 1. John Hayden, A. G. Page, C. W. Lar-  
2 rabee, G. A. Preble, S. W. Houghton, B. C. Bailey,  
3 Franklin Reed, A. D. Fisher, Arthur Sewall, J. P.  
4 Hitchcock, William McGilvery, S. D. Carlton, L. A.  
5 Emery, Charles Deering, Benjamin Metcalf, Edwin  
6 Flye, I. T. Hobson, N. A. Farwell, Francis Cobb, E.  
7 R. Spear, J. T. Berry, J. Fred Merrill, J. S. Case,  
8 Joseph Farwell, T. J. Simonton, Jonathan White,  
9 Timothy Williams, Samuel Watts, J. C. Levanseller,  
10 A. R. Reed, Charles Comery, J. P. Tucker, E. W.  
11 Farley, E. L. Giddings, F. T. Brown, C. H. Kilham,

12 C. E. Fuller, Charles L. Woodbury, Charles P. Clark,  
13 H. C. Luce, Gilbert Atwood, John H. Reed, Arthur  
14 Williams, C. C. Pearson, D. Lovering, Jr., T. H.  
15 Hubbard, J. Avery Richards, Elbridge Norris, William  
16 P. Lenox, their associates, successors and assigns, are  
17 hereby made and constituted a body politic and corpo-  
18 rate by the name of the Portland, Bath and Sea Shore  
19 Railroad Company, and by that name may sue and be  
20 sued, plead and be impleaded, and shall be entitled to  
21 all proper remedies at law and in equity to secure and  
22 protect them in the exercise and use of the rights and  
23 privileges conferred by this act and in the performance  
24 of the duties hereinafter imposed and enjoined, and to  
25 prevent all invasion thereof, or interruption in exer-  
26 cising and performing the same, and shall be subject  
27 to all duties and liabilities imposed upon similar corpo-  
28 rations by the laws of the state.

SECT. 2. The said corporation is hereby fully em-  
2 powered to survey, locate, construct, complete, alter,  
3 equip, and keep in repair, a railroad with one or more  
4 tracks, and all necessary buildings, tunnels, viaducts,  
5 turnouts, side tracks, culverts, bridges, drains, and all  
6 other needful appendages and appurtenances, from  
7 some point in or near the city of Portland, and may  
8 connect with the Portland, Saco and Portsmouth and  
9 Boston and Maine Railroads, thence, if necessary,

10 through the town of Deering and may connect with the  
 11 Portland and Rochester Railroad, or in an easterly  
 12 direction from said Portland through the towns of  
 13 Deering, Falmouth, Cumberland, Yarmouth, or North  
 14 Yarmouth, if necessary, Freeport, Brunswick, West  
 15 Bath to Bath, and thence to Woolwich, if necessary,  
 16 to connect with the Knox and Lincoln Railroad, and  
 17 at Yarmouth, Falmouth or Portland may connect with  
 18 the Grand Trunk Railroad.

SECT. 3. Said corporation is hereby invested with  
 2 all the powers, privileges and immunities which may  
 3 be necessary to carry into effect the object and pur-  
 4 poses of this act, with the right, if necessary, to  
 5 bridge for the use of said road, any tide waters, navi-  
 6 gable rivers or streams; *provided* said bridges shall  
 7 be so constructed as not to prevent navigating said  
 8 waters; and to this end it shall have the right to take  
 9 or to purchase and hold or assign and convey the  
 10 same, so much of the land and other real estate of  
 11 private persons and corporations as may be found  
 12 necessary or convenient for the location, construction  
 13 and convenient operation of said railroad; and shall  
 14 also have the right to take, remove and use, for the  
 15 construction and also for the repair of said railroad  
 16 and its appurtenances, any earth, gravel, stone,  
 17 timber, or other materials on or from the land so taken,

18 *provided however*, the land so taken shall not exceed  
19 five rods in width except where greater width is  
20 necessary for the purpose of excavation or embank-  
21 ment ; *and provided also*, in all cases said corporation  
22 shall pay for such lands, estate or materials, such price  
23 as they and the owner or owners thereof may mutually  
24 agree upon ; and in case said parties shall not agree  
25 as to the price to be paid, then the said corporation  
26 shall pay, in any given case, such damages as shall  
27 be ascertained and determined by the county commis-  
28 sioners of the several counties in which such lands or  
29 estates or materials may be situated, in the same  
30 manner and under the same conditions as are or may  
31 be by law provided by the general laws of the state  
32 relating thereto. The lands so taken by said corpora-  
33 tion shall be held by it in like manner as lands taken  
34 and appropriated for highways.

SECT. 4. The capital stock of said corporation shall  
2 consist of not less than twenty thousand shares of one  
3 hundred dollars each, par value, but the number of  
4 such shares may be from time to time increased at  
5 the discretion of the stockholders, to an amount not  
6 exceeding twenty thousand shares. The entire gov-  
7 ernment and direction of the affairs of said corporation  
8 shall be vested in a board of directors, to consist of not  
9 more than nine members, and not less than seven,

10 which members shall be stockholders in said corpora-  
11 tion and shall be chosen or appointed in the manner  
12 hereinafter provided, and shall hold their offices  
13 respectively until others shall be appointed to take  
14 their places. A majority of said board shall be a  
15 quorum for the transaction of business, and they shall  
16 elect one of their number to be president of the board  
17 who shall also be president of the corporation, and  
18 they shall also choose a clerk<sup>s</sup> and treasurer, which  
19 latter officer shall be required to give bond to the  
20 corporation, in such sum as the directors may deter-  
21 mine, for the faithful discharge of his trust.

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 laws  
4 of this state, for its own government, and for the due  
5 and orderly conducting of its affairs, and management  
6 of its property; and it is also hereby authorized and  
7 empowered to make connection with any other railroad  
8 corporation, or to lease its line of railroad and prop-  
9 erty, either before or after completion, to any other  
10 railroad company, upon such terms as may be mutually  
11 agreed upon, which lease shall be binding upon the  
12 parties for the time named therein, or may lease any  
13 other railroad or property upon such terms and condi-  
14 tions as may mutually be agreed upon.

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 for the purpose of locating, constructing and  
5 completing said railroad, and for the transportation of  
6 persons, goods and property of all kinds and descrip-  
7 tion, and all such power and authority as may be  
8 necessary and proper to carry into effect the objects of  
9 said corporation, under general laws of the state.  
10 They may make, from time to time, such equal assess-  
11 ments upon all the shares in said corporation as they  
12 may deem expedient and necessary as the work  
13 progresses, no share, however, being liable in any  
14 event to assessment amounting in the whole to more  
15 than one hundred dollars. They may establish rules  
16 for the government of their own proceedings, and may  
17 fill any vacancy which may occur in their own board  
18 subsequent to the regular annual meeting.

SECT. 7. A toll is hereby granted for the benefit of  
2 said corporation, upon all passengers and property  
3 which may be conveyed or transported on and over its  
4 railroad, at such rate as may be established by its  
5 directors, subject to such laws in relation to railroad  
6 companies as are or may from time to time be estab-  
7 lished by the legislature.

SECT. 8. The annual meeting of the stockholders of

2 said corporation shall be holden on such day as the  
3 by-laws may determine, at which meeting the directors  
4 shall be chosen by ballot.

SECT. 9. Said corporation is authorized to issue its  
2 bonds to an amount not exceeding two millions of dol-  
3 lars, and to secure the same by a mortgage of its road,  
4 franchise and property, or in any other manner.

SECT. 10. Any five of the corporators named in the  
2 first section of this act are hereby authorized to call  
3 a meeting of the corporators for the purpose of accept-  
4 ing this act, and making a preliminary organization  
5 of the corporation; and at such meeting they may  
6 determine when and in what manner books shall be  
7 opened for subscription to stock, and how subsequent  
8 meetings of the corporation shall be called and noti-  
9 fied, and may transact any other business which may  
10 be deemed necessary in carrying forward and complet-  
11 ing the organization of the corporation. The attend-  
12 ance of five of the corporators shall constitute a quorum  
13 for the transaction of business, but a less number may  
14 adjourn from day to day or to a time uncertain. The  
15 first meeting of the corporators shall be called to meet  
16 in Bath, and notice of said meeting shall be given by  
17 publication in the Bath Daily Times and Rockland  
18 Free Press, at least seven days prior to said meeting.

SECT. 11. If said corporation should not be organ-



2 ized and a location of its line according to actual  
3 survey shall not be filed with the county commissioners  
4 of the several counties through which the railroad  
5 shall pass, on or before the first day of January,  
6 eighteen hundred and seventy-six, or if said corpora-  
7 tion shall fail to complete said railroad on or before  
8 the first day of January, eighteen hundred and eighty-  
9 one, then in either of the above-mentioned cases this  
10 act shall be null and void as to all that part of said  
11 railroad not completed and finished on or before the  
12 date last above named.

SECT. 12. This corporation shall be at all times  
2 subject to such public laws, rules and regulations as  
3 have been, or may from time to time be established  
4 by the legislature, and nothing herein contained shall  
5 make said corporation in any respect independent of  
6 the general legislative power of the state.

SECT. 13. This act shall take effect when approved.

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## STATE OF MAINE.

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IN SENATE, January 17, 1873.

Reported from the Committee on Railroads, by Mr. DINGLEY  
of Androscoggin, and on motion of Mr. BUTLER of York, laid on  
the table and ordered to be printed.

SAMUEL W. LANE, *Secretary.*