

# MAINE STATE LEGISLATURE

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PRIVATE AND SPECIAL ACTS

OF THE

STATE OF MAINE,

PASSED BY THE

SIXTYEIGHTH LEGISLATURE,

At its Session, held in January, 1836.

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Published agreeably to the Resolbe of June 28, 1820.

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AUGUSTA:

SMITH AND ROBINSON,.....PRINTERS TO THE STATE.

1836.

## Chapter 214.

AN ACT to incorporate the Hallowell Granite Rail Road Company.

Approved April 1, 1836.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That John Gardiner, John Otis, Levi Thing, Calvin Spaulding, Robert Gardiner, Peter Atherton, George Curtis, Samuel Thompson, Daniel Talmadge, John Hubbard Jr., Samuel Longfellow, Ward B. Howard, Reuel Williams, and Alfred Redington, their associates successors and assigns be and they hereby are made a body politic and corporate by the name of the Hallowell Rail Road Company and by that name shall be and hereby are made capable in law to ordain and establish by-laws and be vested with all the requisite powers to carry the purposes of this Act into effect agreeably in all respects to "an Act defining certain rights and duties of Rail Road Corporations" passed the first day of March in the year of our Lord one thousand eight hundred and thirty six. And the said Company are hereby authorized and empowered to locate construct and finally complete and keep in repair a Rail Road with one or more set of tracks with suitable turnouts, culverts, drains and other necessary appendages from the quarry of the Hallowell Granite Company in the town of Hallowell or from some point at or near said quarry and running southerly to the Kennebec River in the Town of Hallowell and including at the upper end of said Rail Road a sufficient space for a commodious depot for Granite and other articles to be transported on said Rail Road, with the right of extending said Rail Road by branches to any quarry or quarries of Granite in said Town of Hallowell. *Provided however,* that the owner or owners of any Granite quarry may at any time hereafter at their own expense unite a branch from their quarries with the Rail Road, or branches of the same by this Act authorized, if the Company does not elect to build such branch within six months from the organization of said Company, and give notice thereof to the owner or owners of such

Names of Corporators.

Corporate name.

Powers and privileges.

Proviso.

quarry; *and provided also* that the Rail Road shall not run nearer than ten rods in distance from the present dwelling house of Charles Vaughan Esq.

Rates of toll.

SECT. 2. *Be it further enacted*, That a toll be and hereby is granted and established for the sole benefit of the Company hereby incorporated upon all granite, passengers and property of all descriptions, which may be transported upon the Rail Road hereby authorized, and any of its branches at the rate of forty two cents for every ton of granite or other heavy material transported from the depot at or near the quarry of the Hallowell Granite Company to the depot or place of shipping at Kennebec River, and in the same proportion for a greater or less quantity and for a greater or less distance, and twenty five cents for each passenger for the distance aforesaid, and at that rate for a greater or less distance. *Provided*, that the owners of granite or any granite quarry may furnish and use upon the said Rail Road and branches at their own expense their own cars of suitable construction and shall be entitled to a deduction from the toll aforesaid at the rate of five cents per ton. And it is *also provided* that in case a reduction from the rates of toll aforesaid shall be made in favor of any person transporting granite on said Railway taken from any quarry to which the Railway runs, the same deduction shall be made in favor of any person or persons transporting granite on said Rail Road from the same or any other quarry or quarries, *And Provided*, that any owners of granite or granite quarry furnishing their own cars as aforesaid shall have a right to return with the same upon the Rail Road from the shipping depot at the river to their quarry or to the depot at the quarry of the Hallowell Granite Company free of toll, and for all the purposes of this Act fourteen cubic feet of granite shall be construed for and known as a ton and at that rate for a greater or less quantity.

Proviso

Empty cars may return from shipping depots, free of toll.

Powers, &c.

SECT. 3. *Be it further enacted*, That the Company by this Act authorised shall have power to provide suitable wharves and landing places at and adjacent to Kennebec river for the deposite and laying of granite and loading the

same and to furnish suitable apparatus for loading the Granite on shipboard and shall be entitled to ten cents a ton for landage, wharfage and furnishing suitable apparatus for loading on shipboard. But if the owner of the Granite furnishes his own apparatus for loading as aforesaid said Company shall be entitled to demand or receive no more than five cents pr. ton and at that rate for landage and wharfage unless the Granite lies on the landing places or the wharves by the river more than twenty days in shipping season of the year in which case the Company shall be entitled to five cents pr. ton a month and at that rate for a longer or shorter time beyond twenty days in shipping season, and said Company shall permit vessels and other water craft to lie in the river at their said wharves for a reasonable time requisite for loading the same with Granite free of charges or expense except the landage and wharfage on the Granite as aforesaid.

Wharfage, &c.

SECT. 4. *Be it further enacted,* That the owners of any land that shall be taken in the location of the Rail Road by this Act authorized or of its branches their heirs and assigns shall have the right for themselves their servants their agents and persons in their employ and for their horses cattle teams sleds carts and carriages to pass and repass said land and Rail Road at any convenient place or places in going from one part of their own land to an other part or to any highway, and for such purposes said owners their heirs and assigns shall have a right to erect, maintain and keep in repair any bridges inclined planes and causeways, adjoining the several tracks and not inconsistent with the ordinary use of said Rail Road, being always responsible for any damage by them done thereby to the Rail Road or any of its appendages, and when the length of the land taken as aforesaid across or through any several parcels of land shall exceed forty rods, it shall be the duty of the Company hereby established to make and maintain the division fences on the land so taken between the owner thereof and the adjoining owner or owners and to make and maintain suitable gates across the several tracts at the place of such division fences to be kept

Owners of land may pass over rail road, at any convenient place.

May erect bridges &c.

Company to maintain division fences, in certain cases.

closed at all times except when the Rail Road cars are passing such gates.

Company to keep road in good repair.

SECT. 5. *Be it further enacted*, That after the Corporation hereby authorized have located constructed and finally completed any Rail Road track in pursuance of this Act and have commenced taking toll, it shall be and hereby is made the duty of said Corporation to keep the same in a suitable state of repair for the safe transportation of passengers granite and other heavy materials and to provide suitable horse power servants and Rail Road cars for the safe transportation in the day time and on reasonable notice and a tender to the toll gatherer or other proper officer of the Corporation of the tolls hereby granted for such transportation.

**Chapter 215.**

AN ACT to incorporate the New York City and Portland Exchange Granite Company.

Approved April 1, 1836.

Names of Corporators.

Corporate name.

Purposes, &c.

Powers, &c.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That Oliver Hale Junior, John Cox, Oliver B. Dorrance, Joshua C. Shaw, Robert Aiken, Davis Johnson, J. E. Chalis, their associates, successors and assigns be and they hereby are created a Corporation by the name of "the New York City and Portland Exchange Granite Company," for the purpose of quarrying manufacturing and working granite on their own land in the Town of Edgecomb in the County of Lincoln, and for the purpose of vending, transporting and dealing in the same and for the erection of any wharves and butments on their own land, that may facilitate the carrying on the same and also of engaging in such other branches of business as may be necessarily connected therewith and for these purposes shall have all the powers and privileges and be subject to all the duties and requirements expressed in an Act defining the general powers