

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.

Published agreeably to the Resolve of June 28, 1820.

AUGUSTA:

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

1836.

Powers, &c.

Hayden, owners of land below the proposed location of the works hereinafter mentioned, may dig such canals and sluice ways; build such dams to include tide waters, erect such wharves, piers, mills, machinery, works and buildings on land owned or by them held by lease or otherwise, in the Towns of Pembroke and Perry as may be necessary for carrying on the aforesaid manufactures and such branches of trade and other business as may be necessarily connected therewith. And for the purposes aforesaid, said Corporation shall have all the powers and privileges and be subject to all the duties and requirements of the several Acts defining the general powers and duties incident to Manufacturing Corporations; and to the several Acts concerning Corporations.

May hold estate to the amount of \$100,000.

SECT. 2. *Be it further enacted*, That said Corporation may take, hold, and, at pleasure, dispose of, any estate real or personal to an amount not exceeding one hundred thousand dollars.

Shall provide a passage way, &c.

SECT. 3. *Be it further enacted*, That said Company shall make and provide a sufficient and easy passage way at least fifteen feet wide through the dams aforesaid, so that rafts, boats gondolas and other river craft may pass at or near the time of high water.

Chapter 227.

AN ACT to incorporate the Kennebec and Portland Rail Road Company.

Approved April 1, 1836.

Names of Corporators.

SECT. 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled*, That Robert Hallowell Gardiner, O. B. Dorrance, F. Allen, M. Greenwood, A. Berry, N. F. Deering, P. Sheldon, M. P. Sawyer, Henry Bowman, Wm. Stevens 2d, J. P. Boyd, F. Tinkham, John Henry, E. Swan, John Otis, Reuel Williams, A. Redington, E. F. Deane, G. Evans, H. B. Hoskins, A. J. Stone, R. K. Page, S. H. Mudge, A. Shaw, S. E. Crocker, E. Mc-

Lellan, Francis Richards, M. Springer, Wm. Palmer, Allen Lambard, R. H. Gardiner, Jr., E. C. Stevens, James L. Child, T. W. Smith, S. Kingsbery, A. S. Chadwick, R. Boyd, M. French, Nath'l. Kimball, Hiram Stevens, Alex. Cooper, Martin Gore, Stephen Young, H. Goddard, D. Scribner, J. C. Humphrey, D. Dunlap, David Neal, Josiah Merrow, their associates successors and assigns be and they hereby are made a body politic and corporate by the name of the Kennebec and Portland Rail Road Company, and by that name shall have and enjoy all the rights, privileges, and immunities incident to Corporations, and subject to the liabilities and duties provided for by an "Act concerning Corporations," passed February sixteenth one thousand eight hundred and thirty six, so far as the same is made applicable to Rail Roads heretofore incorporated, and also subject to the duties and liabilities and entitled to all the rights, privileges and immunities provided for in the "Act defining the rights and duties of Rail Road Corporations" passed March first, one thousand eight hundred and thirty six; and also shall have the power to ordain and establish such by laws as shall from time to time be deemed necessary and proper for the management and regulation of their affairs, not repugnant to the laws of this State; and said Company are hereby authorized and empowered to locate, construct and maintain a Rail Road commencing at a point in the City of Portland, and thence passing through the towns of North Yarmouth, Freeport, Brunswick Village and Topsham to Gardiner Village, and thence to Hallowell Village and thence to Augusta Village, on the West side of Kennebec River.

Corporate name.

Powers, &c.

SECT. 2. *Be it further enacted*, That the powers of said Company, except at the legal meetings thereof, shall be vested in a Board of not less than nine Directors, who shall be chosen at the first meeting of said Company, and afterwards annually at such time as the by laws of the Company shall prescribe, and shall hold their offices for one year and until others shall be chosen in their stead; and said Directors shall annually elect from their own body

Powers of said company to be vested in Board of Directors.

Shall elect President, Secretary, Treasurer, &c.

a President, Secretary, Treasurer and such other officers as said by laws shall direct, and shall have power to employ and invest the proceeds of the Rail Road as they may see fit, for the use and benefit of the stockholders.

Limitation.

SECT. 3. *Be it further enacted*, That this grant shall be void unless the route of said Rail Road shall be surveyed and a return of said survey be made to the County Commissioners of the Counties through which said Rail Road shall pass and to the Governor and Council, on or before the first day of August, one thousand eight hundred and thirty seven, and the stock taken up within two years thereafter and at least that part of said route between Portland and Brunswick be completed and in operation within six years from the said first day of August, one thousand eight hundred and thirty seven, and the whole route within ten years therefrom.

Capital Stock, \$1,200,000.

SECT. 4. *Be it further enacted*, That the Capital Stock of said Company may consist of one million two hundred thousand dollars, and shall be divided into shares of two hundred dollars, and each share shall be entitled to one vote by the person holding such share or shares or by authorizing some person in writing to vote and act as his proxy; but no member shall be allowed more than fifty votes.

May establish tolls.

SECT. 5. *Be it further enacted*, That said Company may from time to time, establish, demand and collect such tolls for the transportation of persons, goods, wares, merchandize or commodity whatever, on said Rail Road as they may see fit; *Provided*, that whenever the profits arising from tolls or otherwise shall exceed twelve per centum per annum, on the actual cost of said Rail Road, after deducting all necessary disbursements in conducting its operations, then the Legislature shall from time to time, have the right so to reduce such tolls as may have been established, not below the rate of twelve per centum per annum as aforesaid, as may be judged expedient; And to carry this provision into effect, it shall be the duty of said Company within one year after said Rail Road shall have

Legislature may reduce tolls, in certain cases.

been put in operation or any part thereof, to make return to the Governor and Council of the actual cost of said Rail Road, or part thereof, and annually thereafter of all disbursements made and allowed by the Directors and the rates of toll by them established, the amount of tolls and other profits received, and the rate of profits or per centum on the cost aforesaid, actually realized within the year; and if the Legislature shall not be satisfied with such return, the Legislature may require an examination into the affairs of said Company in such manner as they shall direct;— And if it shall appear that the affairs of said Company have not been economically conducted, and that the profits arising from tolls or otherwise, might have exceeded the maximum of twelve per centum per annum, or that any wilful evasion of the provisions of this section shall have been practised by said Company, then the Legislature shall have the right to make such reasonable reduction of the charges for disbursements, as aforesaid, allowed and charged by said Directors as shall be judged economical, and from such basis so to reduce the tolls and profits, not however below the rate of twelve per centum per annum, as aforesaid, as shall be judged expedient, any thing in this Act to the contrary notwithstanding. *And provided further,* That the Legislature shall not so reduce said tolls and profits below the rates, nor on any principle more unfavorable to said Company than the mode adopted in the Charter of the Maine, New Hampshire and Massachusetts Rail Road Corporation, and making the same reservation in aid of Primary Schools in this Charter as is reserved in that.

SECT. 6. *Be it further enacted,* That it shall be the duty of said Company to provide and maintain on their Rail Road suitable and convenient cars for the transportation of persons and freight of every description to be transported thereon; and may purchase, take and hold such land and other property, may establish such depots, ware houses and other works as may be necessary for the safe keeping and accommodation of persons, goods, wares and merchandize transported, or to be transported thereon, as may be found

To make return,
&c.

Legislature may
require an exam-
ination into the
affairs, &c.

Proviso.

Shall provide
suitable cars.

Shall have a lien on property for tolls.

expedient for the construction and use of said Rail Road and other works, and shall have a lien for tolls due on all property of every description by them transported from place to place with the right to sell so much thereof as may be necessary to pay the same with incidental charges, and may make and collect such assessments on the shares of said Capital Stock as may be deemed expedient, in such manner as shall be prescribed in their by laws.

Shall receive persons and freight from other rail-roads, &c.

SECT. 7. *Be it further enacted*, That it shall be the duty of said Company to receive, from any other Rail Road established by authority of this State, connected with, or approaching near, to any portion of the Road established by this Company, at any suitable and convenient point, any person or freight, and transport the same to any other point on said Rail Road where persons or freight may be safely and conveniently landed, agreeably to the wishes of such person, or the owner of such freight, on the payment, or offer of payment of the same rate of tolls established by said Company for the same portion of their said Rail Road traversed by such person or freight; *Provided*, That said Rail Road Company connecting with, or approaching this line of Rail Road, be required in like manner to transport persons and freight on their Rail Road arriving from this. *And provided also*, That from the City of Portland the said Company shall have authority to connect thence with any other Rail Road established by law leading to Boston in Massachusetts in the most direct and feasible manner; and so as best to accommodate the travelling public, the consent of the proprietors thereof being first obtained, such connection to be made in such manner as shall be designated by the Engineer employed by said Company to survey and construct their said Rail Road and the Engineer employed to survey and construct such other Rail Road.

Proviso.

Shall have the right to connect with other rail-roads.

Penalty for damaging.

SECT. 8. *Be it further enacted*, That if any person shall wilfully or wantonly obstruct the passage of any carriage on said Rail Roads, or in any way injure or destroy said Rail Road, or any part thereof, or any thing

belonging thereto, or any material or implement to be employed in the construction, or for the use of said Rail Road, he, she or they, or any person or persons assisting, aiding or abetting such trespass, or committing, or in aiding or assisting in the commission of any other trespass on said Rail Road, or any thing connected therewith, shall forfeit and pay to the use of said Company treble damages by them sustained, to be sued for and recovered in an action of debt, or of the case, by such person or officers as the Directors shall from time to time appoint, before any Court of competent jurisdiction. And such offender or offenders shall be liable to indictment by the Grand Jury of the County within which such trespass shall have been committed for any offence or offences done in violation of the above provisions, and on conviction thereof before any Court competent to try the same, shall pay a fine not exceeding one hundred dollars to the use of the State, or be imprisoned for a time not exceeding one year, either or both at the discretion of the Court before whom such conviction may be had.

Offenders liable to indictment or fine.

SECT. 9. *Be it further enacted*, That the provisions of an "Act concerning Corporations" passed March seventeenth one thousand eight hundred and thirty one, shall not extend or apply to the Company hereby incorporated.

General Act not to apply to this Act.

SECT. 10. *Be it further enacted*, That the first meeting of the Company may be called at Brunswick, by the three persons first named in the first section of this Act, by publishing the notice of such meeting three weeks successively, in one or more of the newspapers published at Augusta, Gardiner, Brunswick and Portland, the last publication to be at least ten days before the time appointed for such meeting.

Manner of calling first meeting, &c.

SECT. 11. *Be it further enacted*, That it shall be the duty of said Company to transport the United States Mail on their Rail Road for a reasonable compensation, if required so to do by the Post Master General; and if the Post Master General and the Directors of said Company cannot agree on the compensation to be allowed by the

Shall transport U. States mail.

Post Office Department to said Company for such service, then the Legislature may require said Company to transport said Mail for such compensation, not less than the actual expense incurred by said Company in the transportation thereof, as the Legislature may judge reasonable and proper, *Provided* the Post Master General should accede thereto.

Limitation.

SECT. 12. *Be it further enacted*, That the portion of this Rail Road route from Gardiner village to Augusta village through Hallowell shall be made and completed within one year from the time that the Rail Road and works thereon, from the village of Gardiner to the City of Portland; shall have been completed and put in operation; the route and termini to be designated by some skilful and experienced Engineer to be employed by said Company to make their survey, in the most practicable manner, having due regard to the accommodation of the public and the interests of said Company; *Provided*, That if such

Proviso.

extension in the manner and time aforesaid, in the opinion of said Engineer, shall require an extension of their Capital Stock, then a further time of one year shall be allowed to said Company so to complete said route. But no construction shall be given to the provisions of this Act which shall tend to exonerate, or prevent said Company from the duty, or right of connecting the village of Augusta, through Hallowell as aforesaid, in the most commodious manner, with the Rail Road from Gardiner village to the City of Portland; *And provided further*, that if any other Rail Road shall be granted by the Legislature and its construction commenced before the time allowed to the Corporation by this Act to complete the same either between Portland and Augusta, or Gardiner and Augusta, so as to divert travel from this road, then this Corporation shall not be required to complete the section between Gardiner and Augusta.

Proviso.