

MAINE STATE LEGISLATURE

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P R I V A T E

A N D

S P E C I A L A C T S

O F T H E

S T A T E O F M A I N E ,

P A S S E D B Y T H E

S E V E N T E E N T H L E G I S L A T U R E ,

J A N U A R Y S E S S I O N , 1837.

P U B L I S H E D A G R E E A B L Y T O T H E R E S O L V E O F J U N E 28, 1820.

A U G U S T A :
S M I T H & R O B I N S O N , P R I N T E R S T O T H E S T A T E .

1 8 3 7 .

Chapter 265.

AN ACT to incorporate the Camden Dry Dock Company.

Approved March 14, 1837.

SECTION 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Joseph Huse, George M. Chase, George J. Galvin, Warren Rawson, Jeremiah McIntire, Jonathan Huse, Junr. and Thomas Spear, with their associates, successors and assigns, be and they hereby are created a body politic and corporate by the name of the Camden Dry Dock Company for the purpose of erecting and maintaining a Dry Dock with suitable piers and wharves on their own land at Beauchamp Point in Goose River Harbor in Camden, in the County of Waldo; and for that purpose shall have all the powers and privileges, and be subject to all the duties and requirements contained in the several Acts in this State defining the general powers and duties of corporations.

SECT. 2. *Be it further enacted,* That said corporation may take and hold real and personal estate to an amount not exceeding fifty thousand dollars divided into shares of one hundred dollars.

Chapter 266.

AN ACT to establish the Portland, Saco and Portsmouth Rail Road Company.

Approved March 14, 1837.

SECTION 1. *Be it enacted by the Senate and House of Representatives, in Legislature assembled,* That Ether Shepley, Samuel Batchelder, Josiah Calef, James B. Thornton, Joseph M. Hayes, Jonathan King, John Fairfield, Jonathan Tucker, Samuel Moody, John Spring, Seth S. Fairfield, John Chadwick, Edward S. Moulton, Henry S.

Corporate name.

General powers
and duties.Special powers
and duties.May take and
hold the real es-
tate of private
persons, for the
location, &c. of
said road.

Thacher, Samuel Pierson, Rufus Nichols, Amos Chase, Isaac Emery, Samuel White, Ezra Dean, William P. Hooper, Thomas Cutts, Samuel Merrill, Jeremiah C. Stinson, Moses Bradbury, Samuel Hartley, John Condon, Jr., Jonathan Tucker, Jr., Frederick Green, George Scammon, Cotton Bradbury, Daniel Cleaves, William Lord, Thomas Lord, Luther Jewett, Timothy Frost, Ivory Lord, Barnabas Palmer, John Osborn, James Osborn, Jr., Charles Williams, Palmer Walker, Enoch Hardy, Alexander McIntire, Charles O. Emerson, Solomon Brooks, their associates, successors and assigns, be and they are hereby made a body politic and corporate by the name of the Portland, Saco, and Portsmouth Rail Road Company, and by that name shall have all the powers, privileges and immunities and be subject to all the duties and liabilities, provided and prescribed in an Act passed on the sixteenth of February, eighteen hundred and thirty-six, entitled "An Act concerning corporations" and an Act defining certain rights and duties of railroad corporations, passed the first of March eighteen hundred and thirty-six, and shall be and hereby are invested with all the powers, privileges and immunities, which are or may be necessary to carry into effect the purposes and objects of this Act as hereinafter set forth. And the said corporation are hereby authorized and empowered to locate, construct, and finally complete, alter and keep in repair a Railroad with one or more set of rails or tracks, with all suitable bridges, viaducts, turnouts, culverts, drains, and all other necessary appendages, from some point or place in or near the city of Portland, through the towns of Scarborough, Saco, Kennebunk, Wells, York, Kittery, and the intermediate towns to the New Hampshire line at such place as will best connect with the Railroad to be constructed from Portsmouth to Boston. And for this purpose said corporation shall have the right to take and hold so much of the land, and other real estate of private persons, as may be necessary for the location, construction and convenient operation of their Railroad; and they shall also have the right to take, remove and use for the con-

struction and repair of said Railroad and appurtenances, any earth, gravel, stone, timber or other materials, on or from the land so taken. *Provided, however,* that said land so taken, shall not exceed four rods in width, except where greater width is necessary for the purpose of excavation or embankment: *And provided, also,* that in all cases, said corporation shall pay for such lands, estate or materials so taken and used, such price as they and the owner, or respective owners thereof may mutually agree on; and in case said parties shall not otherwise agree, then said corporation shall pay such damages as shall be ascertained and determined by the County Commissioners for the County where such land or other property may be situated, in the same manner and under the same conditions and limitations, as are by law provided in the case of damages by laying out of highways. And the land so taken by said corporation shall be held as lands taken and held for public highways. And no application to said Commissioners to estimate said damages shall be sustained, unless made within three years from the time of taking such land or other property; or when it has already been taken, within one year from the time of passing this Act; and in case such Railroad shall pass through any wood-lands or forests, the said company shall have the right to fell or remove any trees standing therein, within four rods from such road, which by their liability to be blown down or from their natural falling might obstruct or impair said Railroad, by paying a just compensation therefor, to be recovered in the same manner as is provided for the recovery of other damages in this Act.

Proviso.

Damages to be determined by County Commissioners in certain cases.

Land so taken to be held as lands taken for highways.

Application to County Commissioners to be made within three years.

SECT. 2. *Be it further enacted,* [That] the capital stock of said corporation shall consist of not less than five thousand, nor more than twelve thousand shares; and the immediate government and direction of the affairs of said corporation shall be vested in seven, nine or thirteen Directors, who shall be chosen by the members of said corporation, in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and

No. of shares.

Government, &c. of said corporation.

President of the
Directors to be
President of cor-
poration; may
choose a Clerk,
&c.

Books for receiv-
ing subscriptions
to be opened.

Notice to be given
of subscriptions.

First meeting.

Directors may ex-
ercise all the
powers granted
to the corpora-
tion, for certain
purposes.

qualified to take their places, a majority of whom shall form a quorum for the transaction of business; and they shall elect one of their number to be the President of the Board, who shall also be the President of the corporation; and shall have authority to choose a Clerk who shall be sworn to the faithful discharge of his duty, and a Treasurer, who shall give bonds to the corporation, with sureties to the satisfaction of the Directors, in a sum not less than thirty thousand dollars for the faithful discharge of his trust. And for the purpose of receiving subscriptions to the said stock, books shall be opened under the direction of the persons named in the first section of this Act, at such time and in such places in the shire-towns in the several Counties of York, and Cumberland, in this State, and in the town of Portsmouth in New Hampshire, and Newburyport and the city of Boston in Massachusetts, and elsewhere as they shall appoint to remain open for ten successive days, of which time and place of subscription public notice shall be given in some newspaper printed in Portland, Saco, Portsmouth and Boston, twenty days at least previous to the opening such subscription, and in case the amount subscribed shall exceed twelve thousand shares, the same shall be distributed among all the subscribers, according to such regulations, as the persons having charge of the opening of the subscription books shall prescribe before the opening of said books. And any seven of the persons named in the first section of this Act, are hereby authorized to call the first meeting of said corporation by giving notice in one or more newspapers published in the towns and cities above named, of the time and place, and the purpose of such meeting, at least twenty days before the time mentioned in such notice.

SECT. 3. *Be it further enacted*, That the President and Directors for the time being, are hereby authorized and empowered by themselves or their agents, to exercise all the powers herein granted to the corporation, for the purpose of locating, constructing, and completing said Railroad, and for the transportation of persons, goods and

property of all descriptions, and all such power and authority for the management of the affairs of the corporation, as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold land, materials, engines, and cars, and other necessary things, in the name of the corporation for the use of said Road, and for the transportation of persons, goods and property of all descriptions; to make such equal assessments from time to time, on all the shares in said corporation, as they may deem expedient and necessary, in the execution and the progress of the work, and direct the same to be paid to the Treasurer of the corporation. And the Treasurer shall give notice of all such assessments; and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after such notice is given as shall be prescribed by the by-laws of said corporation, the Directors may order the Treasurer to sell such share or shares, at public auction, after giving such notice as may be prescribed as aforesaid, to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the assessments due thereon, with the interest, and costs of sale; and shall be entitled to the overplus if his share or shares shall sell for more than the assessments due, with interest and costs of sale: *Provided however*, That no assessments shall be laid upon any shares in said corporation of a greater amount in the whole than one hundred dollars.

Treasurer to give notice of assessments.

Treasurer may sell shares of delinquent stockholders.

Proviso.

SECT. 4. *Be it further enacted*, That said corporation shall have power to make, ordain and establish all necessary by-laws and regulations, consistent with the Constitution and the laws of this State, for their own government, and for the due and orderly conducting of their affairs, and the management of their property.

May make by-laws, &c.

SECT. 5. *Be it further enacted*, That a toll be and hereby is granted and established, for the sole benefit of said corporation, upon all passengers, and property of all

Toll, &c. to be established by Directors.

descriptions, which may be conveyed or transported upon said road ; at such rate per mile, as may be agreed upon and established from time to time by the Directors of said corporation. The transportation of persons and property—the construction of wheels, the forms of cars and carriages, the weights of loads, and all other matters and things in relation to the use of said road shall be in conformity with such rules, regulations and provisions as the Directors shall from time to time prescribe and direct : *Provided, however,* That if at the expiration of twelve years from and after the completion of said road the net income or receipts from tolls and other profits, taking the twelve years aforesaid as the basis of calculation, shall have amounted to more than twelve per cent. per annum upon the cost of the road and incidental expenses, the Legislature may alter and reduce the rate of tolls, and other profits, so that the net income shall not exceed twelve per cent. for the next twelve years, calculating the amount of transportation on the road to be the same, as in the twelve preceeding years, and at the expiration of every twelve years thereafter, the same proceedings may be had. *And further provided,* That the Legislature shall not at any time, so reduce the tolls and other profits, as to produce less than twelve per centum upon the cost of said Railroad, taking the basis of calculation as aforesaid, without the consent of said corporation. *And provided further,* That the Legislature may instead of reducing said tolls and profits to twelve per cent., appropriate the surplus to the public Schools of the State.

Proviso.

Legislature may alter and reduce the toll.

Proviso.

Other Railroads may be connected with said Railroad.

SECT. 6. *Be it further enacted,* That the Legislature may authorize any other company or companies to connect any other Railroad or Railroads with the Railroad of said corporation at any points of intersection on the route of said Railroad. And said corporation shall receive and transport all persons, goods and property of all descriptions, which may be carried and transported, to the Railroad of said corporation, on such other Railroads as may be hereafter authorized to be connected therewith at the

same rates of toll and freight, as may be prescribed by said corporation, so that the rates of freight and toll on such passengers, goods, and other property as may be received from such other Railroads, so connected with said Railroad as aforesaid, shall not exceed the general rates of freight and toll on said Railroad received for freight and passengers, &c. at any of the deposits of said corporation.

SECT. 7. *Be it further enacted*, That the Directors of said corporation for the time being are hereby authorized to erect toll houses, establish gates, appoint toll gatherers and demand toll on the road, when completed, and upon such parts thereof as shall from time to time be completed.

May erect toll houses, &c.

SECT. 8. *Be it further enacted*, That when said corporation shall take any land, or other estate, as aforesaid, of any infant, person *non compos mentis*, or feme covert, whose husband is under guardianship, the guardian of such infant, or person *non compos mentis*, and such feme covert, with the guardian of her husband shall have full power and authority to agree and settle with said corporation, for damages, or claims for damages, by reason of taking such land and estate aforesaid, and give good and valid releases and discharges therefor.

Guardians of persons non compos mentis, &c. may settle claims, &c.

SECT. 9. *Be it further enacted*, That if any person shall wilfully and maliciously, or wantonly and contrary to law obstruct the passage of any carriage on said Railroad, or in any way spoil, injure or destroy said Railroad, or any part thereof, or any thing belonging thereto, or any material or implements to be employed in the construction or for the use of said road, he, she, or they, or any person or persons, assisting, aiding, or abetting such trespass, shall forfeit and pay to said corporation for every such offence, treble such damages as shall be proved before the Justice, Court, or Jury, before whom the trial shall be had, to be sued for before any Justice or in any Court proper to try the same, by the Treasurer of the corporation, or other officer, whom they may direct, to the use of said corporation. And such offender or offenders shall be liable to indictment, by the Grand Jury of the County, within which

Persons injuring said road, liable for damages.

How recovered.

Such offenders liable to indictment.

trespass shall have been committed, for any offence or offences, contrary to the above provisions, and upon 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 may be imprisoned for a term not exceeding one year, at the discretion of the Court before whom such conviction may be had.

Annual meeting.

Directors may call special meetings.

SECT. 10. *Be it further enacted*, That the annual meeting of the members of said corporation shall be holden, on the first Monday in June, at such time and place as the Directors for the time being shall appoint, at which meeting, the Directors shall be chosen by ballot, each proprietor, being entitled to as many votes as he holds shares, and the Directors are hereby authorized to call special meetings of the stockholders, whenever they shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

Rail road not to obstruct the use of private ways or canals, nor highways.

SECT. 11. *Be it further enacted*, That if the said Railroad, in the course thereof, shall cross any private way, the said corporation shall so construct said Railroad as not to obstruct the safe and convenient use of such private way; and if the said Railroad shall, in the course thereof, cross any canal, turnpike, railroad, or other highway, the said Railroad shall be so constructed as not to obstruct the safe and convenient use of such canal, turnpike or other highway; and the said corporation shall have power to raise or lower such turnpike, highway or private way, so that the said Railroad, if necessary may conveniently pass under or over the same, and erect such gate or gates thereon, as may be necessary for the safety of travellers on said turnpike, railroad, highway or private way.

Location to be filed with County Commissioners—otherwise, &c.

SECT. 12. *Be it further enacted*, That if the said corporation shall not have been organized, and the location according to actual survey of the route filed with the County Commissioners of the Counties through which the same shall pass, on or before the thirty-first day of December, in the year of our Lord, one thousand eight hundred and forty, or if the said corporation shall fail to complete

said Railroad on or before the thirty-first day of December, in the year of our Lord, one thousand eight hundred and forty-six, in either of the above mentioned cases, this Act shall be null and void.

SECT. 13. *Be it further enacted*, That said Railroad corporation shall constantly maintain in good repair all bridges with their abutments and embankments, which they may construct for the purpose of conducting their Railroad over any canal, turnpike, highway or private way, or for conducting such private way or turnpike over said Railroad.

To maintain bridges over canals, &c.

SECT. 14. *Be it further enacted*, That if said Railroad shall in the course thereof, cross any tide waters, navigable rivers or streams, the said corporation be and they hereby are authorized and empowered to erect for the sole and exclusive travel on their said Railroad, a bridge across each of said rivers or streams, or across any such tide waters: *Provided*, said bridge or bridges shall be so constructed as not to obstruct or impede the navigation of said waters.

May erect bridges over navigable streams, &c.

Provided, &c.

SECT. 15. *Be it further enacted*, That the books of said corporation shall at all times be open to the inspection of the Governor and Council, and of any Committee duly authorized by the Legislature: and at the expiration of every twelve years, the Treasurer of said corporation shall make an exhibit under oath to the Legislature, of the net profits derived from the income of said Railroad.

Books to be open for inspection, &c.

SECT. 16. *Be it further enacted*, That an Act entitled "an Act concerning Corporations" passed March seventeenth in the year of our Lord, one thousand, eight hundred and thirty-one, shall not extend or apply to the company hereby incorporated.

Act concerning corporations, not to apply to this company.

SECT. 17. *Be it further enacted*, That the said corporation shall at all times, when the Post Master 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 Post Master General

Corporation shall transport U. S. mail, &c.

Compensation. 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 Rail road in good repair, and a sufficient number of suitable 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 or tendered, and a lien is hereby created on all articles transported for said tolls.

Chapter 267.

AN ACT to incorporate the Augusta and New York Granite Company.

Approved March 14, 1837.

Be it enacted by the Senate and House of Representatives, in Legislature assembled, That Joseph J. Fales, Joseph S. Hamlen, George D. Gordon, Archibald D. Babcock, Eben F. Messenger, Benjamin L. Mirick, Latimar R. Shaw, Joseph G. Moody, Elisha Hallet, Jr., Watson F. Hallet, S. T. Bent and Charles H. Hamlin, their associates, successors and assigns, be, and they hereby are, created a corporation and body politic by the name of the Augusta and New York Granite Company—for the purpose of quarrying Granite in the town of Augusta in the County of Kennebec, and for working, vending, transporting and dealing in the same—and with all the powers and privileges necessary fully to effect their said object and for engaging in any business properly connected therewith—and may have a common seal—which they may change or alter at pleasure—and may sue or be sued in their corporate name—and may take, hold, manage and control any real or personal estate—not exceeding in value, at any one time, one hundred thousand dollars.

Corporators.

Corporate name.

General powers and duties.