

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-FIFTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1845.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 26, 1840,  
and March 16, 1842.  
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AUGUSTA:

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1845.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1845.

ERRATA:

**The following leaf is
inserted because one or more pages
in this chapter have errors
noticed and corrected here.**

**Note that reference to Chapter “19”
in the Private and Special laws
should be read as Chapter 195.**

Chapter 195.

AN ACT to establish the Atlantic and Saint Lawrence Rail Road Company.

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

SECT. 1. William P. Preble, Josiah S. Little, John Mussey, John B. Brown, George Turner, John Anderson, St. John Smith, Charles Cobb, John Dow, Abner Shaw, John Neal, Augustine Haines, Franklin Tinkham, Charles E. Barrett, Eliphalet Case, Thomas Hammond, William E. Greely, William Kimball, Charles Q. Clapp, James L. Farmer, Woodbury Storer, and Eliphalet Greeley, their associates, successors and assigns, are hereby made and constituted a body politic and corporate, by the name of the Atlantic and Saint Lawrence Rail Road Company, and by that name may sue and be sued, plead and be impleaded and shall have and enjoy all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges, and in the performance of the duties hereinafter granted and enjoined, and to prevent all invasion thereof, or interruption in exercising and performing the same. And the said corporation are hereby authorized and empowered to locate, construct, and finally complete, alter and keep in repair, a rail road, with one or more sets of rails or tracts, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains and all other necessary appendages, from some point or place in the city of Portland, through the counties of Cumberland and Oxford, and, if deemed advisable, through the southwesterly corner of Franklin, to the boundary line of this state, at such place as will best connect with a rail road to be constructed from said boundary to Montreal in Canada. Said rail road to be located and constructed in the general direction of Sherbrook and Montreal, on such route as the directors of said corporation, in the exercise of their best judgment and discretion, shall judge most favorable and best calculated to promote the public convenience and carry into effect the intentions and purposes of this act. And said corporation 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 herein set forth. And for this purpose said corporation shall have the right to purchase, or to take and hold, so much of the land and other real estate of private persons and corporations, as may be necessary for the location, construction and convenient operation of said rail road; and that they shall also have the right to take, remove and use for the construction and repair of said rail road and appurtenances, any earth, gravel, stone, timber or other materials, on or from the

Corporators.

Corporate name.

Powers and privileges.

May build and keep in repair rail road, &c.

Course and direction of route.

Powers and privileges to carry into effect the provisions of this act.

Power to hold estate.

Right to move earth, gravel, &c.

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Proviso.

Further proviso.

Damages, how paid.

Land so taken, how appropriated.

Application for damages to be made within three years.

Right to fell certain trees that may obstruct the passage of said rail road.

Powers and liabilities.

When lands belonging to any infant, feme covert, person non compos mentis, are taken, &c., how adjudicated and settled.

No. of shares constituting capital stock.

Directors.

—tenure of office.

—quorum.

land so taken. *Provided, however,* that said land, so taken, shall not exceed six 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 the laying out of highways. And the land so taken by said corporation shall be held as lands taken and appropriated 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 lands or other property; and in case such rail road shall pass through any woodlands or forests, the said company shall have the right to fell or remove any trees standing thereon, within four rods from such road, which by their liability to be blown down or from their natural falling, might obstruct or impair said rail road, 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. And furthermore said corporation shall have all the powers, privileges and immunities, and be subject to all the duties and liabilities, provided and prescribed respecting rail roads in chapter eighty-one of the revised statutes, not inconsistent with the express provisions of this charter.

SECT. 2. 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.

SECT. 3. The capital stock of said corporation shall consist of not less than ten thousand nor more than thirty 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 qualified to take their places, a majority of whom shall form a quorum for the transaction of business;

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and they shall elect one of their number to be 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 be sworn and also give bonds to the corporation, with sureties, to the satisfaction of the directors, in a sum not less than fifty 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 times as they may determine, in the town of Augusta, and the cities of Bangor and Portland, in this state, and the cities of Salem and 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, Augusta and Boston, twenty days at least previous to the opening of such subscription; and in case the amount subscribed shall exceed thirty 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 town and cities last above named, of the time and place, and the purposes of such meeting, at least twenty days before the time mentioned in such notice.

President.

Clerk.

Treasurer.

Bond.

Books of subscription to be opened, &c.

—for ten days.

Notice to be given twenty days previous to the opening of said books.

If subscription exceed thirty thousand shares, how regulated.

First meeting—how called.

SECT. 4. 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.

By laws.

SECT. 5. 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 rail road, 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, within and without the state, 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,

Powers vested in the president and directors.

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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.

If subscriber or stockholder neglect to pay any assessment for thirty days after notice, &c., to be sold after notice, &c.

If the shares do not pay the assessments, the delinquent to be holden for balance,

—if sale exceeds the amount due, he is entitled to overplus.

Toll granted.

—how determined.

Cars, carriages, &c., to conform to regulations of the directors.

Legislature may authorize the connecting of any other rail road on the easterly side of the rail road of said corporation.

Same rates of toll to be charged the connecting rail road as shall be fixed by law.

SECT. 6. A toll is hereby granted and established for the sole benefit of said corporation, upon all passengers, and property of all descriptions, which may be conveyed or transported by them upon said road, at such rate 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 said road, shall be in conformity with such rules, regulations and provisions, as the directors shall from time to time prescribe and direct.

SECT. 7. The legislature may authorize any other company or companies to connect any other rail road or railroads with the rail road of said corporation, but only on the easterly side thereof, at any points on the route of said rail road. And said corporation shall receive and transport all persons, goods and property of all descriptions, which may be carried and transported to the rail road of said corporation, on such other rail roads 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 rail roads, so connected with said rail road, as aforesaid, shall not exceed the general rates of freight and toll, on said rail road, received for freight and passengers at any of the deposits of said corporation.

SECT. 8. If the said rail road, in the course thereof, shall cross

any private way, the said corporation shall so construct said rail road as not to obstruct the safe and convenient use of such private way; and if the said rail road shall in the course thereof, cross any canal, turnpike, rail road or other highway, the said rail road 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 rail road, 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 travelers on said turnpike, rail road, highway or private way.

Not to obstruct private ways, highways, canals, &c.

Gates to be erected for protection of travelers.

SECT. 9. Said rail road corporation shall constantly maintain, in good repair, all bridges, with their abutments and embankments, which they may construct for the purpose of conducting their rail road over any canal, turnpike, highway or private way, or for conducting such private way or turnpike over said rail road.

Bridges, abutments, &c., to be kept in good repair.

SECT. 10. If said rail road shall, in the course thereof, cross any tide waters, navigable rivers or streams, the said corporation are hereby authorized and empowered to erect for the sole and exclusive travel on their said rail road, 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 unnecessarily to obstruct or impede the navigation of said waters.

Empowered to build bridges over tide or navigable waters.

Proviso.

SECT. 11. Said rail road corporation shall erect and maintain substantial, legal and sufficient fences, on each side of the land taken by them for their rail road, where the same passes through enclosed or improved lands, or lands that may hereafter be improved; and for neglect or failure to erect and maintain such fence, said corporation shall be liable to be indicted in the district court, for the county where such fence shall be insufficient, and to be fined in such sum as shall be adjudged necessary to repair the same; and such fine shall be expended for the erection or repair of said fence, under the direction of an agent appointed by said court, as in case of fines imposed upon towns for deficiency of highways.

Substantial fences shall be maintained on each side of said rail road.

Penalty for such neglect.

Fines—how expended

SECT. 12. The said corporation shall, at all times, when the postmaster 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 postmaster general shall be unable to agree upon the compensation aforesaid, the legislature of the state shall determine the same. And the 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

Said corporation holden to transport the mail of the U. S., at a fair compensation.

Compensation, how determined,

Duty of corporation, after they commence taking tolls, in regard to rail road cars, &c.

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Lien established on all articles transported.

Not obliged to permit locomotives, other than their own, upon their track, except from those connecting from the east.

If any person shall wilfully or maliciously, &c., injure or obstruct the passage of any rail road.

—penalty.

How obtained.

How appropriated.

Before whom to be indicted and tried.
Amount of fine, and term of imprisonment.

Power to extend said road beyond the line of the state.

engines, 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. And the said corporation, fulfilling on its part all and singular the several obligations and duties by this section imposed and enjoined upon it, shall not be held or bound to allow any engine, locomotive, cars, carriages or other vehicle for the transportation of persons or merchandize to pass over said rail road, other than its own, furnished and provided for that purpose, as herein enjoined and required; *provided, however*, that said corporation shall be under obligation to transport over said road, in connection with their own trains, the passenger and other cars of any other incorporated company that may hereafter construct a rail road, connected with that hereafter authorized, on the easterly side thereof; such other company being subject to all the provisions of the sixth and seventh sections of this act, as to rates of toll and all other particulars enumerated in said section.

SECT. 13. If any person shall wilfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriage on said rail road, or in any way spoil, injure or destroy said rail road, or any part thereof, or anything 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 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 five hundred dollars to the use of the state, or may be imprisoned for a term not exceeding five years, at the discretion of the court before whom such conviction may be had.

SECT. 14. Said corporation shall be and hereby is invested with power and authority to continue and prolong said rail road, beyond the line of this state, to the boundary of Canada; and to purchase, take and hold lands, or the right of way over lands for the purpose of constructing said rail road, in continuation without the limits of this state, on and over said lands to the said boundary of Canada.

Provided, the same can be done consistently with the laws and regulations of the state or states in which such lands lie, and through and over the territory of which such rail road in continuation would pass.

SECT. 15. Said corporation shall keep in a book for that purpose a regular account of all their disbursements, expenditures and receipts, and 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 year, the treasurer of said corporation shall make an exhibit, under oath, to the legislature, of the net profits derived from the income of said rail road.

Proviso.

Accounts of disbursements, expenditures and receipts to be kept.
Books at all times to be open to the inspection of the governor and council, &c.
Treasurer to make annual exhibits under oath to the legislature.

SECT. 16. All real estate purchased by said corporation, for the use of the same, under the fifth section of this act, shall be taxable to said corporation by the several towns, cities and plantations, in which said lands may lie, in the same manner as lands owned by private persons, and shall in the valuation list be estimated the same, as other real estate of the same quality in such town, city or plantation, and not otherwise; and the shares owned by the respective stockholders shall be deemed personal estate and be taxable as such to the owners thereof, in the places where they reside and have their home. And whenever the net income of said corporation shall have amounted to ten per centum per annum upon the cost of the road, and its appendages and incidental expenses, the directors shall make a special report of the fact to the legislature; from and after which time one moiety, or such other portion as the legislature may from time to time determine, of the net income from said rail road, accruing thereafter over and above ten per centum per annum, first to be paid to the stockholders, shall annually be paid over by the treasurer of said corporation, as a tax, into the treasury of the state, for the use of the state. And the state may have and maintain an action against said corporation therefor to recover the same. But no other tax, than herein is provided, shall ever be levied or assessed on said corporation, or any of their privileges or franchises.

Real estate of said corporation, how taxed.

Shares to be deemed personal estate, and taxed to the owners where they reside.

When net income shall amount to ten per centum on cost, &c., the fact shall be reported to the legislature.

A certain moiety or portion over and above ten per cent. to be paid into the treasury of state.

The state may maintain an action for the same.

No other tax than herein provided shall ever be exacted.

SECT. 17. The annual meeting of the members of said corporation shall be holden on the second Monday in June, or such other day as shall be determined by the by-laws, 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 by himself or proxy 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.

Annual meeting.

Directors, how chosen.

Special meetings.

CHAP. 196.

Power of the legislature to inquire into the doings of the corporation.

SECT. 18. The legislature shall at all times have the right to inquire into the doings of the corporation, and into the manner in which the privileges and franchises herein and hereby granted may have been used and employed by said corporation, and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said corporation, which may be necessary more effectually to compel a compliance with the provisions, liabilities and duties, hereinbefore set forth and enjoined, but not to impose any other or further duties, liabilities or obligations. And this charter shall not be revoked, annulled, altered, limited, or restrained, without the consent of the corporation, except by due process of law.

Duration of charter.

Certain conditions to be complied, or the charter to be null and void.

SECT. 19. 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 fifty, or if the said corporation shall fail to complete said rail road on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and sixty, in either of the above mentioned cases, this act shall be null and void.

[Approved February 10, 1845.]

Chapter 196.

AN ACT to continue in force an act entitled "an act accepting the surrender of the charter of the Maine Bank."

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

Act of March 22, 1843, accepting the charter of the Maine Bank, continued.

SECT. 1. The act passed the twenty-second day of March, eighteen hundred and forty-three, accepting of the surrender of the charter of the Maine Bank, shall continue and remain in force for and during the term of two years, from the twenty-second day of March, eighteen hundred and forty-five, for the purposes as set forth in said act.

Clerk.

SECT. 2. The stockholders of said bank shall have power and authority, at any of their meetings, to choose a clerk to perform the duties of, and incumbent upon, a cashier.

[Approved February 13, 1845.]