

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

TWENTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1847.

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

Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1847.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE,

1847.

SECT. 3. It shall be the duty of the selectmen of said town of Waterborough to make a return to the secretary of state by the first day of February next of the proportion of the state valuation of so much of said town of Waterborough as is set off by this act to the town of Alfred.

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Selectmen of Waterborough to make return of the valuation of territory set off.

SECT. 4. This act shall take effect upon its approval by the governor.

[Approved July 22, 1847.]

Chapter 54.

An act to establish the Buckfield Branch Rail Road Company.

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

SECT. 1. Virgil D. Parris, William Bridgham, Samuel F. Brown, Zadoc Long, Aaron Parsons, James Jewett, Lucius Loring, Ira Gardiner, Addison G. Cole, Ephraim Attwood, Nathaniel Shaw, Noah Prince, Cyrus H. Coolidge, Zimenes Philbrick, Rodney Chaffin, Artemas T. Cole, Libbeus Allen, Jonathan Buck, Amory H. Allen, America Farrar, Axel Spalding, Zury Robinson, Jeremiah How, Samuel Hersey, Nathaniel O. Ryerson, Albert D. White, Sampson Reed, Edmund Irish, junior, Richard Hutchinson, George Cobb, Joseph Hutchinson, Thomas Bridgham, Joshua Parsons, Calvin Bridgham, Henry Decoster, Washington Long and David B. Record, their associates, successors and assigns be and they are hereby constituted a body politic and corporate, by the name of the Buckfield Branch 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 respecting rail roads, in chapter eighty-one of the revised statutes; 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 powers 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 rail road 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 near Buckfield village, through the towns of Buckfield, Hebron and Minot, at such place at or near

Corporators.

Corporate name.

Powers, privileges and liabilities.

May locate, construct and keep in repair a rail road, &c.

Course and direction of route.

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Mechanic Falls, on the Little Androscoggin river, as will best connect with the Atlantic and Saint Lawrence Rail Road now located to that place. Said rail road to be so located and constructed on said 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 for the aforementioned purposes 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 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 land so taken; *provided, however*, that said land so taken shall not exceed six rods in width, except when 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 land or other property; and in case such rail road shall pass through any wood lands or forests the said company shall have the right to fell or remove any tree standing therein within four rods of such road, which by their liabilities 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.

SECT. 2. The capital stock of said corporation shall consist of not less than five hundred nor more than two thousand shares; and the immediate government and direction of the affairs of said corporation shall be vested in nine, eleven 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

Power to take and hold real estate.

Right to remove earth, gravel, &c.

Proviso.

Further proviso.

Damages, how paid.

Application for damages to be made within three years.

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

Number of shares constituting capital stock.

Directors.

—tenure of office.

CHAP. 54.

have been duly elected and 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 president of the board, who shall also be 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 five 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 as they may determine in the towns of Buckfield and Minot and the city of Portland 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 one or more newspapers printed in the county of Oxford, and in the city of Portland, in the county of Cumberland, ten days at least before the opening of such subscription. And any seven of the persons named in the first section of this act, are hereby authorized to call the first meeting of the said corporation for the choice of directors and organization by giving notice in one or more newspapers published as above named, of the time and place and the purposes of such meeting, at least fourteen days before the time mentioned in such notice.

Quorum.

President.

Clerk.

Treasurer.

Bond.

Books of subscription to be opened, &c.

—for ten days.

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

First meeting, how called.

SECT. 3. 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 as aforesaid and give good and valid releases and discharges therefor.

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

SECT. 4. 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 powers and authority for the management of the affairs of the corporation as may be necessary and proper to carry into effect the object 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

Powers vested in the president and directors.

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

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

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

Toll granted.

Rate, how established.

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

Legislature may authorize the connecting of any other rail road with the rail road of said corporation.

Rates of toll to be charged the connecting rail road.

Not to obstruct any private way, highway or canal.

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 cost of sale; and shall be entitled to the surplus, if his share or shares shall sell for more than the assessments due with interest and cost of sale: *provided, however,* that no assessment shall be laid upon any shares in said corporation of a greater amount in the whole than one hundred dollars.

SECT. 5. 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 form 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. 6. The legislature may authorize any other company or companies to connect any other rail road or rail roads with the rail road of said corporation, 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 of 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 deposites of said corporation.

SECT. 7. If any railroad 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, 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, or highway; and the said corporation shall have power to raise or lower such 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 rail road, highway or private way and shall keep all bridges and embankments necessary for the same in good repair.

Gates to be erected, and bridges and abutments to be kept in good repair.

SECT. 8. 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, when the same passes through enclosed or improved lands, or lands that may be hereafter improved.

Fences to be erected on each side of said rail road.

SECT. 9. 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 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.

Holden to transport the U. S. mail.

Compensation, how determined.

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

Lien created on all articles transported.

SECT. 10. If any person shall willfully and maliciously or wantonly and contrary to law, obstruct the passage of any carriages 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 materials 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 offense, 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,

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

Penalty.

—how obtained.

—how appropriated.

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Amount of fine and term of imprisonment.

Power to extend said rail road in a northerly direction to the Androscoggin river.

Account of disbursements, expenditures and receipts, to be kept.

Treasurer to make annual exhibit to the legislature.

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 twelve per cent., &c.

A certain portion over and above twelve per cent. to be paid into the treasury.

No other tax than is herein provided shall ever be exacted.

Annual meeting.

within which said trespass shall have been committed, for any offense or offenses, 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. 11. Said corporation shall be and is hereby invested with power and authority to continue and prolong said rail road in a north or northeasterly direction to the Androscoggin river at some point at or near the town of Canton.

SECT. 12. 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.

SECT. 13. All real estate purchased by said corporation for the use of the same under the fourth section of this act shall be taxable to said corporation by the several towns and plantations in which said lands lie, in the same manner as lands owned by private persons and shall in the valuation list be estimated the same as the other real estate of the same quality in such towns or plantations 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 twelve 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 twelve 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.

SECT. 14. The annual meeting of the members of said corporation shall be holden on the first Saturday of September 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.

CHAP. 55.

Directors, how chosen.

Special meetings.

SECT. 15. 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 such 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.

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

SECT. 16. If 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 first day of November in the year of our Lord eighteen hundred and fifty two, or if the said corporation shall fail to complete said rail road on or before the first day of November, in the year of our Lord one thousand eight hundred and fifty seven, in either of the above mentioned cases this act shall be null and void.

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

[Approved July 22, 1847.]

Chapter 55.

An act to incorporate the town of Damariscotta.

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

SECT. 1. All that part of the town of Nobleborough, lying south of a line commencing on the western side of Pemaquid pond, at the north east corner bound of lot number eleven, agreeably to a plan of Ephraim Rollins, taken in eighteen hundred and thirteen; thence on the northerly line of said lot number eleven to lot number seventeen, on said plan; thence on the northerly line of said lot number seventeen to the Oyster creek; thence southwardly and westerly on said creek to Damariscotta Salt Bay; and all that part of the town of Bristol, lying north of a line commencing on the Damariscotta river at the north west corner of the farm of James Huston; thence

Boundaries.