

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTIETH LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1850.

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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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1850.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1850.

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**CHAP. 348.** not exceeding at any one time one hundred thousand dollars, with full power to manage and dispose of the same.

First meeting,  
how called.

**SECT. 3.** Any two persons named in this act, may call the first meeting for the purpose of organizing the corporation, at such time and place as they see fit, by posting up notices of the same in two public places in the town of Damariscotta, seven days before the time of said meeting, or by giving a shorter notice, if the unanimous consent of said corporators shall be thereto attained.

May make by-  
laws, &c.

**SECT. 4.** Said corporators may make all necessary by-laws for the management of their affairs not repugnant to the laws of this state.

**SECT. 5.** This act shall be in force from and after its approval by the governor.

[*Approved August 7, 1850.*]

### Chapter 348.

An act to incorporate the Damariscotta Railroad Company.

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

Incorporators.

**SECT. 1.** James G. Huston, Abner Stetson, Henry P. Cotton, Edwin Flye, David W. Chapman, Algernon S. Austin, Benjamin D. Medcalf, Thomas J. Merrill, Daniel T. Weeks, Daniel Day, Charles H. Merrill, Kiah B. Glidden, Augustus Hitchcock and Amos B. Day, their associates, successors and assigns are hereby made and constituted a body politic and

Corporate name.

corporate by the name of the Damariscotta Railroad 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 their 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 railroad, with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains and all other necessary appendages, from some point at the southerly end of the Damariscotta Fresh pond, near Damariscotta mills; thence on the west side of the

Powers, privi-  
leges, duties,  
liabilities, &c.

Commencement,  
route and termi-  
nus of road.

Salt bay to some point at the head of ship navigation on the Damariscotta river. And the said corporation shall be and are hereby 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 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 railroad; and they shall also have the right to take, remove and use for the construction and repair of said railroad and appurtenances, any earth, gravel, stone, timber or other materials on or from the lands 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 estate or materials so taken and used, such price as they and the owners thereof may mutually agree upon; 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 Lincoln county, 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 this 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 two years after the time of taking such land or other property; and in case such railroad shall pass through any woodland, the said company shall have the right to fell or remove any trees standing thereon, within four rods of said road, which by their liability of being blown down or from their natural fall might obstruct or impair said road, by paying a just compensation thereof, 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 railroads, in chapter eighty-one of the revised statutes, not inconsistent with the express provisions of this act.

SECT. 2. When said corporation shall take any land or other property as aforesaid of any infant, the guardian of such infant shall have full power and authority to agree and settle with said corporation, for damages or claims for damages, by

Powers,  
privileges, &c.

May take and  
hold real estate,  
&c., for the con-  
struction of said  
road.

Proviso.

Proviso.

Damages, how  
adjusted.

Authorized to  
fell or remove  
trees, &c.

Damages for  
lands, &c., taken  
from persons un-  
der guardianship,  
how adjusted.

CHAP. 348.

reason of taking such land and estate aforesaid and give good, valid releases and discharges therefor.

Capital stock.

SECT. 3. The capital stock of said corporation shall consist of not more than one thousand shares of one hundred dollars each; and the immediate government and direction of the affairs of said corporation shall be vested in five 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 chosen 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 and acceptance of the directors, in a sum not less than ten thousand dollars for the faithful discharge of his trust.

Directors.

Authority to choose a clerk.

May establish by-laws.

SECT. 4. Said corporation shall have power to make, ordain and establish all necessary by-laws, rules and regulations, not inconsistent with the constitution and laws of this state for their own government and for the due and orderly conducting of their affairs, and the management of their property.

Authority of the president and directors.

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 road and for the transportation of any 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 object of this grant; to purchase and hold land, materials, engines and cars and all other necessary things, in the name of the corporation for the use of said railroad, 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 the said corporation, as they may deem expedient and necessary in the execution and 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 shares, for the space of thirty days after such notice is given, as shall be prescribed by the by-laws of said corporation,

Shares of delinquent subscribers, how disposed of.

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 assessment shall be laid upon any shares in said corporation of a greater amount in the whole than one hundred dollars.

Proviso.

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

Toll, transportation, construction, &c., to be under the direction of the directors.

SECT. 7. If the said railroad in the course thereof shall cross any highway or private way the said corporation shall so construct said railroad as not to obstruct the safe and convenient use of said highway or private way; and the said corporation shall have power to raise or lower such highway or private way so that the railroad, if necessary, may conveniently pass under or over the same, and erect such gate or gates as may be necessary for the safety of travelers thereon; and said 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 highway or private way, or for conducting such highway or private way over said railroad.

Not to obstruct any highway or private way.

Company shall maintain gates, bridges, &c.

SECT. 8. If said road shall in the course thereof cross any tide waters, streams or ponds the said corporation are hereby authorized and empowered to erect for the sole and exclusive travel on their said railroad a bridge or bridges across each of said streams, ponds, or such tide waters; *provided*, said bridge or bridges shall be so constructed as not unnecessarily obstruct or impede the navigation thereof.

Authorized to erect bridges over tide waters, ponds, and streams.

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Shall erect  
fences.

Penalty for neg-  
lect, &c.

Fine, how  
appropriated.

Duties and obli-  
gations of said  
company.

SECT. 9. Said corporation shall erect and maintain substantial, legal and sufficient fences on each side of the land taken by them for their railroad when the same passes through enclosed or improved lands; and for any unreasonable neglect or failure to erect or maintain such fence, said corporation shall be liable to be indicted in the district court for the county of Lincoln, and be fined in such sum as shall be adjudged necessary to erect or 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.

SECT. 10. Said corporation after they shall commence receiving tolls, shall be bound at all times, to have said railroad in good repair and a suitable number of carriages and vehicles for the transportation of persons and property, together with the necessary locomotives or engines therefor, and shall 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, shall not be held or bound to allow any engine, locomotive, cars, carriages or other vehicle for the transportation of persons or property to pass over said railroad other than its own, furnished and provided for that purpose as herein enjoined and required.

Malicious mis-  
chief, trespass,  
&c.

Forfeiture.

Fine and penalty  
on conviction.

SECT. 11. If any person shall willfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriage, car, locomotive, engine or other vehicle on said railroad, or in any way spoil, injure, or destroy said railroad, or any part thereof, or any thing 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, aiding, assisting or abetting such trespass shall forfeit and pay to said corporation for any such offense, treble such damage, 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 any court of competent jurisdiction, 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 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 time, not exceeding five years at the discretion of the court.

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 be open to the inspection at all times, of the governor and council, and 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 road.

Books of receipts and disbursements open to inspection of governor and council, &c.

Annual return.

SECT. 13. The annual meeting of the members of said corporation shall be upon such day as may be determined by the by-laws, and at such 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, by giving such notice as the corporation by their by-laws shall direct.

Annual meeting.

Directors, how chosen.

SECT. 14. 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, 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 herein before set forth and enjoined, but not to impose any other or further duties, liabilities or obligations.

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

SECT. 15. If the said corporation shall not have been organized, and the location of the route of said railroad according to actual survey filed with the county commissioners of the county of Lincoln on or before the first day of January, in the year of our Lord eighteen hundred and fifty-seven, or if said corporation shall fail to complete said railroad on or before the first day of January, in the year of our Lord eighteen hundred and sixty-one, this act shall be null and void.

Time for the organization, location and completion of said road.

SECT. 16. Any two of the persons named in this act may call the first meeting of the corporation at such time and place as they see fit by posting up notices of the same in two public places in the town of Damariscotta one week before the time

First meeting, how called.

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named for the meeting, or without such delay and posting up such notices, if any time and place be unanimously agreed upon by said corporators.

Books opened for  
subscription.

SECT. 17. For the purpose of receiving subscriptions to the capital stock of said railroad, books shall be opened under the direction of the persons named in the first section of this act, at such time and place as they may determine in the town of Damariscotta and the city of Boston and in such other places as they may appoint, to remain open for six successive days unless the necessary stock shall be before the expiration of that time subscribed; and in case the amount subscribed shall exceed the number of shares required, the same shall be distributed among the subscribers according to such regulations as the persons having charge of the opening of the books of subscription shall determine and prescribe before the opening thereof; and notice of the opening of said books for subscription as aforesaid shall be given under the direction of the said corporators.

SECT. 18. This act shall take effect from and after its approval by the governor.

[Approved August 7, 1850.]

### Chapter 349.

An act authorizing the building of a pier and wharf on the Damariscotta river.

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

Pier and wharf.

SECT. 1. Benjamin D. Medcalf and Joseph Day or either of them, with such persons as may be associated with them or either of them, are hereby authorized and empowered to extend a pier from Medcalf's point, so called, on the eastern side of Damariscotta river to low water mark in said river, and to build in connection with said pier at the western end thereof, and at a point from which Cottril's wharf bears northeast-by-east, and from which the northeast corner of the Island wharf bears northwest, a wharf parallel to the channel of said river, two hundred feet long and sixty feet wide, or to build said wharf without so connecting the same with such pier if they shall so decide.