

# 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:**  
WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1850.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1850.

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**Chapter 377.****CHAP. 377.**

An act to incorporate the Pembroke Iron Company.

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

SECT. 1. William E. Coffin, Joseph H. Cotton, Lewis L. Wadsworth, George Small and Andrew B. Coffin with their associates and successors are hereby constituted a body politic and corporate, by the name of the Pembroke Iron Company ; and they are hereby authorized to purchase and hold real and personal estate to an amount not exceeding two hundred thousand dollars at any one time, for the purpose of manufacturing iron and steel in all the various branches in the town of Pembroke, in the county of Washington ; and the said corporation may erect or purchase and hold such real estate, buildings, dams, and machinery as may be necessary for carrying on such manufactures, and shall have all the powers and privileges, and be subject to all the duties and requirements expressed in the laws of this state relating to manufacturing corporations.

Corporators.

Corporate name.

Authorized to hold real estate not exceeding \$200,000.

Location.

Powers, privileges, &amp;c.

SECT. 2. Any three of the persons named in the first section of this act may call the first meeting of this corporation by giving notice of the time and place thereof in the Eastport Sentinel, twenty days at least before the time of the meeting.

First meeting.

[Approved August 20, 1850.]

**Chapter 378.**

An act to incorporate the European and North American Railway Company.

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

SECT. 1. Elijah L. Hamlin, Anson G. Chandler, John A. Poor, Moses L. Appleton, Samuel P. Strickland, Leonard March, Wyman B. S. Moor, Daniel W. Bradley, George W. Pickering, Waldo T. Pierce, Rufus Dwinel, Josiah S. Little, James B. Cahoon, Charles Q. Clapp, F. O. J. Smith, John B. Brown, John Anderson, George F. Shepley, Henry Carter, Thomas J. D. Fuller, John Stickney, George M. Chase, George Downes, Noah Smith, junior, Ichabod R. Chadbourne, Bion Bradbury, James P. Wheeler, James S. Pike, Stephen R. Hanscom, John N. M. Brewer and Stephen Emerson, their associates, successors and assigns are hereby made and constituted a body politic and

Corporators.

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Corporate name.

Authority to locate and construct a railway.

General course and direction of route.

Power and authority.

Right to take and hold land and other estate.

Proviso.

Damages for land, &amp;c., how determined.

incorporate by the name of the European and North American Railway 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 enjoyed, 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 railway, with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains and all other necessary appendages, from the city of Bangor, crossing the Penobscot at some point north of the Bangor and Brewer bridge, over the most practicable route, in a line to the city of St. John, in New Brunswick, to the eastern boundary of the state; so as best to connect there with a railway to be constructed from said city of St. John to said eastern boundary, under a charter from said province; with the like name as is used in this charter 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 is 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 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 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 railroad shall pass through any woodlands 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. 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 charter.

Damages, application for to be made within three years.

Authorized to fell or remove trees, &c.

Compensation, &c.

Powers and privileges.

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.

Estate of infant persons, &c., when taken.

SECT. 3. The capital stock of said corporation shall consist of not less than ten thousand nor more than forty 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; 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

Capital stock.

Government, &c.

President.

Clerk.

Treasurer.

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Books for subscription—when opened.

Notice to be given, &c.

Excess over 40,000 shares, how distributed.

First meeting, how called.

By-laws.

President and directors, authority of.

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 three persons first named in the first section of this act, at such time as they may determine, in the town of Calais, and the cities of Augusta, Bangor and Portland, in this state, 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, Bangor and Calais, twenty days at least previous to the opening of such subscription; and in case the amount subscribed shall exceed forty 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 the three persons first named in the first section in 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.

SECT. 4. Said corporation shall have power to make, ordain and establish all necessary by-laws and regulations, consistent 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.

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 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 within or 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, 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.

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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*, that no shareholder in said company shall be in any manner whatever, liable for any debt or demand due by said company, beyond the extent of his, her or their shares in the capital stock of said company not paid up; and no assessment shall be laid upon any shares in said company of a greater amount in the whole, than one hundred dollars.

Assessments, notice of to be given.  
Shares of delinquent subscribers, how disposed of.

Proviso.

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 rates 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.

Toll.

Transportation and construction, regulation of.

SECT. 7. 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 on the route of said railroad. And this company is hereby authorized to connect any railways they may construct under this charter, with any other railway existing or to be constructed within this state. 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

Company authorized to connect with other roads, &c.

Transportation of passengers and property from connecting roads, regulated.



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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 at any of the deposits of said corporation.

Ways, public and private, crossings regulated.

SECT. 8. 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 travelers on said turnpike, railroad, highway or private way.

SECT. 9. 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.

Tide waters, &c., crossings regulated.

SECT. 10. If said railroad 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 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 unnecessarily to obstruct or impede the navigation of said waters.

Proviso.

Fences, construction of.

SECT. 11. Said railroad corporation shall erect and maintain substantial, legal and sufficient fences on each side of the land taken by them for their railroad, where the same passes through inclosed 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.

Mail, transportation of.

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 shall determine the same. And said corporation, after they shall commence the receiving of tolls shall be bound at all times to have said railroad in good repair, and a sufficient number of suitable 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 and 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 railroad other than its own, furnished and provided for that purpose, as herein enjoined and required. *Provided, however,* that the said corporation shall be under obligations 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 railroad connecting with that hereby authorized; 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 sections.

Road to be kept in good repair.

Company bound to transport passengers and freight.

Lien on freight, &c., for transportation of, &c.

Engines and cars of other roads not allowed to pass.

Proviso.

SECT. 13. If any person shall willfully 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 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, within which trespass shall have been committed, for any offense or offenses, contrary to the above provisions; and upon

Trespass, &c., penalty for.

Liable to indictment.

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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.

Account of ex-  
penditure, &c.,  
how kept.

SECT. 14. 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 railroad.

Real estate,  
where taxable,  
&c.

SECT. 15. 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 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 railroad 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 provided shall ever be levied or assessed on said corporation, or any of their privileges or franchises.

Shares deemed  
personal prop-  
erty.

Report of net  
income to be  
made to the leg-  
islature, &c.

One moiety to be  
paid over to the  
treasurer of state.

Annual meeting,  
when holden,  
&c.

SECT. 16. The annual meeting of the members of said corporation shall be holden on the last Wednesday in July, 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

Directors, choice  
of.  
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.

SECT. 17. 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, annuled, altered, limited or restrained without the consent of the corporation, except by due process of law.

Legislature, right of to investigate the doings of said company.

Charter not revoked, &c., without due process of law.

SECT. 18. 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-five, 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 sixty-five, in either of the abovementioned cases, this act shall be null and void.

Organization and location, time limited.

SECT. 19. Said company shall not engage in, nor commence the construction of any section or sections of said railway, until seventy-five per centum of the estimated cost of said section or sections shall have been subscribed for by responsible persons.

Commencement of construction prohibited until twenty-five per cent. of the estimated cost be subscribed for.

SECT. 20. If said provinces or either of them, shall in any legal way and manner, constitute this company a company within its limits and jurisdiction, this company is hereby authorized and empowered to exercise within said limits and jurisdiction of such province all the rights and powers and shall have and enjoy all the privileges and immunities which it could have, exercise and enjoy within this state.

Powers and rights within the provinces.

SECT. 21. The said European and North American Railway Company are hereby authorized and empowered to contract with the government of the United States, and any foreign government or power for the carrying of the mail of any such

Authorized to contract for carrying the U. S. and foreign mails.

CHAP. 379.

government or power over or within any of the territories where said company may exercise or enjoy any of the powers, privileges or immunities herein granted to it.

[*Approved August 20, 1850.*]

### Chapter 379.

An act to authorize certain cities and towns to grant aid in the construction and completion of the Kennebec and Portland Railroad.

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

Towns author-  
ed to lend aid.

SECT. 1. The cities of Augusta, Gardiner and Bath, and the towns of Hallowell, Richmond, Bowdoinham, Topsham and Brunswick and each of them, or so many of them as shall accept this act, are severally authorized to loan their respective credit to the Kennebec and Portland Railroad Company in aid of the construction and completion of their railroad, in amounts as follows, viz: the city of Augusta, two hundred thousand dollars, the city of Gardiner, one hundred and fifty thousand dollars, the city of Bath, two hundred thousand dollars, the town of Hallowell, one hundred thousand dollars, the town of Brunswick, seventy-five thousand dollars, the town of Topsham, thirty thousand dollars, the town of Bowdoinham, twenty-five thousand dollars, and the town of Richmond, twenty thousand dollars, subject to the following terms and conditions.

Augusta.  
Gardiner.  
Bath.  
Hallowell.  
Brunswick.  
Topsham.  
Bowdoinham.  
Richmond.

Act, when to  
take effect.

SECT. 2. This act shall not take effect unless it shall be accepted by the directors of said company, and then only so far as regards such of said cities and towns as shall by the written or printed votes of the inhabitants of such cities and towns respectively, at legal meetings duly called and notified for the purpose, accept the same and determine each for itself, the amount of credit which such city or town will loan to said railroad company, not exceeding in any case the sum herein provided to be loaned by said cities or towns respectively; and at least two-thirds of the whole number of votes cast, at the meetings aforesaid in said towns and cities shall be necessary for the acceptance of this act on the part of said cities and towns respectively.

Two-thirds vote.

Scip, when to  
be issued.

SECT. 3. Upon the acceptance of the act as aforesaid by any or all of the aforesaid cities or towns, the treasurer of each city or town which shall have accepted the act, is hereby au-