

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1851.

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.

1851.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1851.

SECT. 3. The sum of four hundred and forty-nine dollars and seventy-six cents is hereby abated from the state tax imposed upon the city of Gardiner, by virtue of an act passed August twenty-ninth, eighteen hundred and fifty.

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That amount abated from state tax imposed upon Gardiner.

SECT. 4. All acts inconsistent with this act are hereby repealed.

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

[Approved May 28, 1851.]

Chapter 418.

An act additional to an act to incorporate the Cape Elizabeth Wharf and Marine Railway Company.

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

SECT. 1. The Cape Elizabeth Wharf and Marine Railway Company, is hereby authorized to increase its capital stock, by adding thereto the sum of thirty thousand dollars, to be divided into shares of two hundred and fifty dollars each.

Capital stock increased \$30,000.

SECT. 2. This act shall take effect and be in force from and after its approval by the governor.

[Approved May 28, 1851.]

Chapter 419.

An act to incorporate the Eastport Magnetic Telegraph Company.

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

SECT. 1. D. J. Odell, J. P. Wheeler, George A. Peabody, and A. Hayden, their associates and successors, are hereby created a body corporate, by the name of the Eastport Magnetic Telegraph Company, for the purpose of constructing, maintaining and operating a magnetic telegraph line between the towns of Eastport and Dennysville, with all the rights and privileges, and subject to all the liabilities provided by the general laws of this state relating to corporations.

Corporators.

Corporate name.

Rights, privileges and liabilities.

SECT. 2. The said company is authorized to locate and construct its line aforesaid, between the said termini along and

Location and construction.

CHAP. 419. upon any public highway or across any water, or upon any railroad or private property for which permission shall first have been obtained of the proprietors thereof, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining the wires or conductors of such line, but the same shall not be so constructed as to incommode the public use of said roads or highways or injuriously interrupt the navigation of said waters; nor shall the company have authority to construct any bridge across any waters of this state.

Power to connect with other lines.

SECT. 3. The company shall have power by agreement with other persons or bodies politic, to connect their line of telegraph with other lines of telegraph constructed within or out of this state.

Authorized to cut down and remove trees.

SECT. 4. The said company shall have authority to cut down or remove any trees, except ornamental or shade trees, which may be within the limits of the highways, and which would otherwise obstruct the erection of their line or injure the same by falling. And any trees standing upon lands by the side of any road, by which the said line shall be erected, may also be cut down or removed, if necessary for the safety of such line, and the owner of such land shall be entitled to compensation therefor to be ascertained, if the parties do not agree, in the same manner as damages are ascertained for land taken for highways; and the company shall be held to pay the amount so ascertained.

Compensation to owners.

Capital stock.

SECT. 5. The capital stock of said company shall be of such amount as the company may from time to time determine to be necessary for the exclusive purpose of erecting, maintaining and operating the line of telegraph hereby authorized, and the company shall be holden to make all such returns of the stockholders therein, as are required by the laws of this state of other corporations.

Annual return of stockholders.

Transmission of dispatches.

SECT. 6. It shall be the duty of the company, whenever their line shall be in readiness for operation over any part of the route herein authorized, to receive dispatches from and for any other telegraph lines and associations or companies and from and for any individual, and on payment of their usual charges for individuals for transmitting dispatches as established by the general rules and regulations of the company, to transmit the same, subject only to the limitations contained in the following section, with impartiality and good faith, under the penalty of one hundred dollars for every neglect or refusal so to do, which penalty may be recovered by an action of debt, in

Penalty for neglect.

the name and to the use of the person or persons sending or **CHAP. 420.**
 desiring to send any such dispatch.

SECT. 7. The said company shall be bound on application Dispatches in the event of war, &c.
 of any officer of the United States, or of this state, acting in
 the event of any war, insurrection, or resistance of public au-
 thority, or in the prevention or for the punishment of crime, or
 the arrest of persons charged or suspected of crime, to give to
 communications of such officers immediate dispatch; and if Liability for neg- lect or designedly altering the same.
 any officer, clerk, or operator of said company shall refuse or
 wittingly omit to transmit any such communication, or shall
 designedly alter or falsify the same, for any purpose whatever,
 he shall be subject to indictment therefor; and on conviction,
 shall be sentenced to pay a fine not exceeding five hundred
 dollars, or to be imprisoned in the county jail not more than
 one year. But the company shall receive for transmitting such
 communication, the same compensation that shall be paid for
 transmitting private communications of similar length.

SECT. 8. Nothing in this act contained shall exonerate said Damages for breach of con- tract.
 company from liability at common law, for the payment of
 damages for any breach of contract on their part.

SECT. 9. Any one of the persons, named in the first section First meeting.
 of this act, may call the first meeting of the company, by giving
 notice thereof to each of his associates, and this act shall take
 effect from and after its approval by the governor.

[Approved May 28, 1851.]

Chapter 420.

An act additional to an act to incorporate the Portland Society of Natural History.

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

SECT. 1. The first section of the act to incorporate the Port-
 land Society of Natural History, approved the seventh day of
 June, in the year of our Lord, one thousand eight hundred and
 fifty, is hereby amended, by inserting after the names of the
 persons mentioned in said act, the words "and their associates
 and successors," so that said section, as amended, shall read as
 follows, viz: John W. Chickering, William Wood, John Neal, Corporators.
 Sylvester B. Beckett, Edward Gould, Jedediah Jewett, Charles
 Jones, James T. McCobb, Daniel C. Colesworthy, Edward P.