

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE,

A. D. 1853.

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

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WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1853.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1853.

An act to incorporate the Belfast and Moosehead Lake Railway Company.

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

Corporators.	SECT. 1. Joseph Williamson, Albert G. Jewett, Nehemiah Abbot, Ralph C. Johnson, Rowland Carlton, Josiah Farrow, Salathiel Nickerson, Daniel Merrill, James P. White, Rufus B. Allyn, Timothy Chase, Paul R. Hazeltine, David Pierce, Benjamin Brown, Lemuel R. Palmer, A. N. Noyes, James Y. McClintock, Horatio H. Johnson, Sherborn Sleeper, Samuel Edwards, James White, William O. Poor, their associates, successors and assigns, are hereby made and constituted a body politic and
Corporate name.	corporate by the name of the Belfast and Moosehead Lake Railway Company, and by that name may sue and be sued,
General rights, privileges, &c.	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 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,
Authorized to locate, construct, &c.	alter and keep in repair, a railway, with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turn-outs, culverts, drains, and all other necessary appendages, from the city of Belfast, through Waldo and Brooks, and from thence over the most practicable route to Dexter, at some point at or near the village thereof, and from thence over the most practicable route to Moosehead Lake. 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.
Route.	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 lands so taken; <i>provided, however,</i> 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; <i>and provided also,</i> that in all cases said corporation shall pay for such lands, estate or materials so taken and
Powers, privileges, &c.	
May purchase and hold real estate.	
May take materials for construction, &c.	
Proviso.	
Damages.	

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used such price as they and the owner or respective owners thereof may mutually agree on; and in case said parties shall not 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 of such road, which from 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 mentioned 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.

Damages, how determined.

Application for damages.

May fell or remove trees.

General powers, &c.

SECT. 2. When said corporation shall take any land, or other property 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 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 or other property as aforesaid, and give good and valid releases and discharges therefor.

Property taken from persons under guardianship.

SECT. 3. The capital stock of said corporation shall consist of not less than ten nor more than fifty thousand shares, of one hundred dollars each; 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

Capital stock.

Directors.

President.

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Clerk.	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 five persons first named in the first section of this act, at such time as they may determine, in the towns of Waterville and Dexter, and in the cities of Belfast, Bangor and Boston, and elsewhere as they shall appoint, to remain open for twenty successive days, of which time and places of subscription, public notice shall be given in some newspaper, printed in Belfast, Bangor and Boston, twenty days at least previous to the opening of such subscription; and in case the amount subscribed shall exceed fifty 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 five persons first 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 each of the cities above named, of the time and place and the purposes of such meeting, at least twenty days before the time mentioned in such notice.
Treasurer.	
Bonds of.	
Subscription books.	
When opened.	
Notice.	
Surplus subscription, how disposed of.	
First meeting.	
Notice.	
By-laws.	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.
President and Directors authorized to locate, construct, &c.	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 its appendages, 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 lands, materials, engines and cars, and other necessary things, in the name of the corporation for the use of said road and its appendages, and for the transportation of persons, goods and property of all descriptions; to make such equal assessments, from time to time, on
Transportation, to regulate.	
Purchase of lands, cars, &c.	
Assessments.	

all the shares in 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 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.

Assessments, notice of.

Shares of delinquent subscribers.

Delinquent subscribers, liability of, &c.

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 and its appendages, 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 width of gauge, the construction of wheels, the form of cars and carriages or other instruments of conveyance, the weights of loads, and all other matters and things in relation to said road and its appendages, shall be in conformity with such rules, regulations and provisions as the directors shall from time to time prescribe and direct.

Toll.

Transportation, construction, &c.

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 and toll on such passengers, goods and other property as may be received from such other railroads so connected with said rail-

Connection with other roads, &c.

Transportation from other roads.

- CHAP. 181.** road 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.
- Private ways, crossing of.** **SECT. 8.** If the said railroad 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 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. And said corporation shall constantly maintain and keep, 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 highway, private way or turnpike over said railroad.
- Canals, turnpikes, &c., crossing of.** **SECT. 9.** If said railroad shall, in the course thereof, cross any tide waters, navigable rivers or streams, the said corporation is hereby authorized and empowered to erect, for the sole and exclusive use of 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 the navigation of said waters.
- Bridges, &c., repair of.** **SECT. 10.** Said 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 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 supreme 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.
- Navigable waters, &c., crossing of.** **SECT. 11.** 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 reasonable and fair compensation.
- Proviso.** And in case the corporation and postmaster general shall be unable to agree upon the compensation aforesaid, the legisla-
- Fences.**
- Penalty for neglect, &c.**
- Fine, how appropriated.**
- Mail, transportation of, &c.**
- Compensation.**

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ture shall determine the same. And said corporation, after they shall commence receiving 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 or tendered, and a lien is hereby created on all articles transported for said tolls. And the said corporation, fulfilling on its part all the 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 property to pass over said railroad or its appendages, other than its own, furnished and provided for that purpose, as herein enjoined and required.

Road to be kept in repair, &c. Obligated to transport passengers, &c., on payment of toll. Lien for payment of toll. Cars, &c., of other roads prohibited from passing over said road.

SECT. 12. If any person shall willfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriage or other vehicle on said railroad or its appendages, or in any way spoil, injure or destroy said railroad or its appendages 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 or its appendages, he, she or they, or any person or persons assisting, aiding or abetting said 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 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 the trespass or injury shall have been committed, 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.

Malicious mischief, penalty and liability for.

SECT. 13. 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

Books and accounts, how kept, &c.

Annual exhibit to the legislature.

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Real estate,
where taxable.

SECT. 14. All real estate purchased by said corporation for the use of the same, under the provisions 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 after deducting such portion as shall be taxed as real estate, 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 not otherwise. 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 of the net income from said railroad and its appendages, over and above twelve per centum per annum, 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 other moiety of said net income over and above twelve per centum per annum, shall be paid to the stockholders. And the state may have and maintain an action against said corporation to recover its moiety of said net income over and above twelve per centum per annum as aforesaid. But no other tax than is herein provided shall ever be levied or assessed on said corporation or any of their privileges or franchises.

Personal
estate, where
taxable.

Net income of
road over 12
per cent. per
annum, how
appropriated,
&c.

State, right of
action in the
case.

Annual
meeting.

Directors,
choice of, &c.
Vote.

Special
meetings.

Notice.

Jurisdiction of
legislature.

SECT. 15. The annual meeting of the members of said corporation shall be holden on the first 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 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 prescribe.

SECT. 16. 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 herein set forth and enjoined, and subject to the general laws regulating railroads now upon the statute book, or which may hereafter be passed by the legislature of this state.

SECT. 17. 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-seven, 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-three, in either of the above mentioned cases this act shall be null and void.

Organization,
location, &c.,
limitation of.

Completion,
limitation of.

SECT. 18. Said company shall not engage in, or commence the construction of said road, until fifty per centum of the estimated cost of said road shall have been subscribed for by responsible persons.

Construction,
commence-
ment of
limited.

[Approved March 31, 1863.]

Chapter 182.

An act to authorize a free ferry between Hallowell and Chelsea.

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

The city of Hallowell and the town of Chelsea, in the county of Kennebec, are hereby authorized to hire of the Hallowell Horse Ferry Company the boat and appurtenances belonging to said company, and to make the same free to the public for such time and on such terms as may be agreed upon.

Hallowell
ferry, author-
ized to hire.

[Approved March 31, 1863.]