

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

PASSED BY THE

EXTRA SESSION OF THE THIRTY-SECOND LEGISLATURE, 1853,

AND THE

THIRTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE,

1854.

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

Augusta:

WILLIAM T. JOHNSON, PRINTER TO THE STATE.

1854.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1854.

Chapter 334.

An act to change the name of John Guptill.

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

John Guptill, of Albion, is hereby allowed to take the name Name changed. of John Gardiner.

[Approved April 11, 1854.]

Chapter 335.

An act to increase the capital stock of the Ellsworth Bank.

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

The president, directors and company of the Ellsworth Bank, at Ellsworth, are hereby authorized to increase the capital stock of said bank, by adding thereto the sum of fifty thousand dollars, to be paid into said bank in gold or silver, on or before the first Monday of October next, and to be divided into shares of one hundred dollars each; and loans may be made by said bank on said additional capital, whenever the directors, or a majority of them, with the cashier of said bank, shall have signed and verified by oath and filed in the office of the secretary of state, a certificate that said additional capital has been actually paid in.

Capital stock increased \$50,000.

Shares.

Loans when made.

[Approved April 11, 1854.]

Chapter 336.

An act to amend an act to establish the Atlantic and Junction Railroad.

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

SECT. 1. Charles Q. Clapp and Asa W. H. Clapp, of Portland; Edward Payson, John Reed, Samuel Jordan and Levi Morrill, of Westbrook, their associates and assigns, are hereby authorized to construct and maintain a railroad, not exceeding four rods in width, extending from the present joint terminus and depot buildings of the railroads entering the city of Portland on the west side, to a point or points of connection with the Atlantic and Saint Lawrence Railroad, not more than one

Corporators.

Authorized to construct and maintain railroad. Line and location of road.

CHAP. 336.General rights
and powers.

Proviso.

Right to take
land, &c.Duties, liabilities,
&c.

Proviso.

Damages, com-
pensation for.Damages for
lands in dispute,
how adjusted.

Right of appeal.

Right to extend
width of road,
&c.

mile north of the northern shore of the outlet of Back Cove, and located in such direction between the Back Cove road and the cove, as to enter the cove from the north, by the line and within the bed of the first ravine or creek, west of Back Cove bridge; and may operate and use the same, in like manner, and with such privileges, liabilities and duties, as are or may be provided for other railroads, by the general laws of this state: *Provided, however,* that said railroad shall not be joined to or connect with said Atlantic and Saint Lawrence Railroad, without first obtaining the consent of the Atlantic and Saint Lawrence Railroad Company therefor; nor shall said railroad be constructed across the road connected with Tukey's bridge, in the town of Westbrook, at grade.

SECT. 2. The grantees, their associates and assigns, shall have all such powers, in respect to taking land for the location, construction, and operation of said railroad, and shall be subject to all such duties and liabilities in respect thereto, as are prescribed in the first section of the act to establish the Atlantic and Saint Lawrence Railroad Company, and shall have such further powers and privileges, and be subject to all such further restrictions, duties, provisions, remedies and liabilities, as may now exist, or may hereafter be prescribed, in respect to railroads within this state, by any general laws: *provided, however,* that said grantees shall have no power to enter upon or use any real estate taken under this act, except for the purpose of making surveys, until they shall have paid the owners thereof such sums as may have been mutually agreed upon as damages, or until they shall have procured an estimation of such damages in manner provided by law, and shall have tendered to persons entitled to receive the same, the amount of damages so estimated, with all costs: or if the title to any lands taken under this act shall be in dispute, or the owner thereof unknown, shall have deposited with the treasurer of the county of Cumberland, subject to the order of the persons entitled to receive the same, the amount of damages so estimated, with all costs, and the acceptance of the amount so tendered shall not bar any right of appeal as provided by law; but the said grantees shall have the right to extend the width of the railroad, on the easterly side thereof upon the cove, beyond four rods, so as to connect with the westerly side of the channel, by the erection of piers, or otherwise, on such portion of the flats as lie at such distance from the respective shores as to be beyond the privilege of private ownership; but the occupation of the said flats

shall be limited to such an extent that the present easterly channel may be extended to the width of eight hundred feet westerly from the easterly side thereof. CHAP. 337.

SECT. 3. The said parties shall have authority to assign or lease to the Atlantic and St. Lawrence Railroad Company all their interest and franchise granted and acquired under this act and incorporation, to whom the same may be so assigned or leased, and the said Atlantic and St. Lawrence Railroad Company shall have all the powers and be subject to all the duties herein granted and prescribed. Right to lease road.

SECT. 4. The said corporation shall be required to construct and maintain a draw across the channel of Back cove, as it now exists, sufficient to permit the passage of all such vessels as may have occasion to pass and repass the waters of said Back cove; and should the said road be constructed of solid material, sufficient aperture or apertures shall be left open to allow the usual ebb and flow of the tide upon the flats on the westerly side of said road. Duty to construct a draw.

SECT. 5. The capital stock of said company shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each; and the said corporation, after its organization, shall open books for subscription to stock, and keep the same open therefor for the period of three days, first giving public notice in one of the daily papers published in the city of Portland, of the time and place where said books shall be so opened, for the space of one week prior to the said books being so opened. Capital stock.
Shares.
Subscription books.
—notice of.

SECT. 6. Said grantees shall be allowed two years, in which to complete said railroad, from and after the first day of October next. Charter limited.

SECT. 7. All such portions of the act of which this act is amendatory, as are inconsistent with the provisions of this act, are hereby repealed. Inconsistent acts repealed.

[Approved April 12, 1854.]

Chapter 337.

An act additional authorizing the city of Bangor to regulate the building of wharves in Kenduskeag stream and Penobscot river.

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

SECT. 1. The city of Bangor is hereby authorized to determine by their city council how far wharves, piers and buildings, Wharves, building of, regulated.