

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE,

1855.

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

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1855.

PRIVATE AND SPECIAL LAWS ·

OF THE

STATE OF MAINE.

1855.

CHAP. 513. **SECT. 2.** The act to incorporate the Negunkeag Dam and Lock Company, approved March sixteenth, in the year of our Lord one thousand eight hundred and forty-two, is hereby revived for the use and benefit of this corporation, and transferred and made a part of the same, for the purposes therein expressed, and for the additional purpose of raising a head of water to carry the machinery necessary for the manufacturing purposes specified in this act, with all the rights and powers, and subject to all the terms, conditions, duties and liabilities contained in said act.

First meeting,
how called.

SECT. 3. The first meeting of this corporation may be called by the persons named in the first section of this act, by giving notice of the time, place and purposes thereof, in any public newspaper printed in the county of Kennebec, fourteen days at least before the time appointed therefor.

SECT. 4. This act shall take effect from and after its approval by the governor.

[Approved March 16, 1855.]

Chapter 513.

An act to incorporate the Lake Sebago Railroad Company.

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

Corporators.

SECT. 1. Horace Billings, Richard Davis, N. S. Littlefield, Marshal Cram, of Bridgton, George Pierce, Harrison Blake, and Philander Tolman, of Harrison, Eliakim Maxfield of Waterford, E. W. Woodbury, and Benjamin Nevers of Sweden, Samuel F. Perley, and Benjamin Goodridge of Naples, S. R. Porter of Sebago, Frederic Nutting of Casco, John Sawyer, and James M. Leach of Raymond, Joseph Parker, and Jefferson Mayberry of Gorham, John M. Wood, Nathan Winslow, Allen Haines, and George F. Shepley, of Portland, their associates, successors, and assigns, are hereby made and constituted a body politic and corporate, by the name of the Lake Sebago 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 the 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

Corporate name.

General powers
and duties.

Authorized to
locate and
construct R. R.

complete, 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 Portland, at or near the outlet of the Cumberland and Oxford Canal, over the most practicable route, through the towns of Westbrook, Gorham, Windham, Standish, Raymond, Casco, Naples, to such point in the towns of Bridgton, Harrison, or Waterford, 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 are, 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. 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 land or other property; and in case such railroad shall pass through any woodlands or forests, the said company shall have the right to fell and 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

CHAP. 513.

Location.

Powers, privileges, &c.

May purchase and hold estate.

Authorized to take certain materials.

Proviso.

Further proviso.

Price of materials, &c, taken, how determined.

Application for damages, when made.

Right to fell and remove trees.

CHAP. 513. shall have all the powers, privileges and immunities, and be subject to all the duties and liabilities, provided and prescribed, respecting railroads, by the laws of this state, not inconsistent with the express provisions of this charter.

Lands taken from persons under guardianship, &c., damages, how adjusted.

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.

R. R., construction of, terms, &c.

SECT. 3. The corporation created by this act shall not be authorized to construct said railroad, or to proceed any further therein than to locate the same, unless they shall first, and within two years from the passage of this act, obtain from the president, directors and company of the Canal Bank, on the terms hereinafter provided, a release and conveyance of all the interest which the said bank now has, as a stockholder, mortgagee or otherwise, in and to the stock, property and income of the Cumberland and Oxford canal corporation; and unless the said railroad company shall within the term of two years, limited as aforesaid, obtain such release and conveyance, or shall for that purpose, and within the same time, pay or tender to the said bank the sum of seventy-five thousand dollars, being the principal sum due to said bank by said canal corporation and secured by mortgage, this act shall be void, and all rights under the same shall cease.

Capital stock.

SECT. 4. The capital stock of said corporation shall consist of not less than two thousand, nor more than ten 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 satisfaction of the directors, in the sum of 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

Government to be vested in a board of directors.

President.

Clerk.

Treasurer.

Stock, subscription book to be opened, &c.

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direction of four persons named in the first section of this act, at such time as they may determine, in the towns of Bridgton, Harrison, Waterford, Standish and Windham, and the city of Portland, in this state, and elsewhere as they may appoint, to remain open for ten successive days, of which time and place of subscription public notice shall be given in two newspapers printed in said Portland, twenty days, at least, previous to the opening of such subscription; and in case the amount subscribed shall exceed ten 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 city 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.

—to remain open ten days.
—notice of, how given.

First meeting, how called.

SECT. 5. Said corporation shall have power to make, ordain and establish all necessary by-laws and regulations consistent with the constitution and the laws of this state, for their own government, and for the due and orderly conducting of their affairs and the management of their property.

By-laws, &c.

SECT. 6. 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 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. 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

President and directors, powers and duties of.

May purchase land, materials, &c.

Assessments, how made, &c.

Notice, how given.
Assessments, neglect to pay, proceedings in case of.

CHAP. 513. 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.

Proviso.

Toll.

Transportation, construction, &c.

SECT. 7. 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 rate 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.

Power of legislature to connect therewith other R. R.

Authorized to connect with other R. R.

Transportation of passengers, merchandise, &c., from other roads.

SECT. 8. 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 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.

Private ways, crossing of.

Canals, turnpikes, &c., crossing of.

SECT. 9. 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. CHAP. 513.

SECT. 10. 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. Bridges, abutments, &c.

SECT. 11. If said railroad shall, in the course thereof, cross any 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, *provided*, said bridge or bridges shall be so constructed, as not unnecessarily to obstruct or impede the navigation of said waters. Navigable waters, &c., crossing of.

SECT. 12. 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 proper 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 cases of fines imposed upon towns for deficiency of highways. Proviso.

SECT. 13. 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 other 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 Fences.

—liable to indictment for neglect to build.

Mail, transportation of.

—in case of disagreement, how determined.

Shall keep road in good repair, &c.

Obliged to transport passengers, &c., after payment of tolls.
Lien for payment of tolls.

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Cars, engines,
&c., of other
roads.

Proviso.

Malicious mis-
chief, trespass,
&c.

—penalty for.

Offenders liable
to indictment,
&c.

Accounts of
corporation, how
kept.

Annual exhibit.

Property, when
taxable.

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 connexion 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 in said sections.

SECT. 14. If any person shall wilfully 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 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.

SECT. 15. 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.

SECT. 16. All real estate purchased by said corporation, for the use of the same, under the sixth section of this act, shall be taxable to said corporation, by the several towns and cities, 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 or city, 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.

SECT. 17. 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 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.

Annual meeting.

Directors, how chosen.

Votes.

Special meetings.

SECT. 18. 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, annulled, altered, limited or restrained, without the consent of the corporation, except by due process of law.

Legislature right to investigate the doings of said corporation.

Charter, not to be revoked, &c.

SECT. 19. 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-five, in either of the above mentioned cases, this act shall be null and void.

Time for organizing, &c., limited.

SECT. 20. 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.

Construction of R. R., when to commence.

SECT. 21. The said corporation is hereby authorized to acquire, by purchase only, and hold all the interest which the Cumberland and Oxford canal corporation, or any mortgagees or assignees under

R. R. corporation, authorized to acquire certain property.

CHAP. 514. them, may have in the property, franchise or other rights, interests or estates, personal, real or mixed, now or formerly belonging or appertaining to said canal corporation; and when the interests or estates of said canal corporation, or of said assignees or mortgagees, or both of them, shall have been granted and conveyed to this corporation, it shall be vested with and succeed to, and may exercise all the rights and privileges of its respective grantors. And the said canal corporation is hereby authorized to convey to the said Lake Sebago Railroad Company, upon such terms as may be mutually agreed upon by the parties, all its property, estates and franchises; and the said president, directors and company of the canal bank are hereby empowered to convey to said railroad corporation, upon such terms as may be agreed upon, all the interest which said bank has or may have in the property or franchises aforesaid. *Provided, however,* that whenever the said railroad company shall take from the said Cumberland and Oxford canal corporation a conveyance or release of its corporate rights and franchises, it shall become subject thenceforth and thereafter to discharge its corporate duties and fulfil the conditions of its charter, and be subject to all corporate liabilities thenceforward accruing, in the same manner and to the same extent that said canal corporation was previously liable, and the same remedies shall be in force for and against said railroad corporation to enforce the rights and duties aforesaid, which now exist for or against said canal corporation.

[Approved March 16, 1855.]

Chapter 514.

An act to incorporate the West Buxton Bank.

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

Corporators.

SECT. 1. Oliver Dow, George W. Lord, Albert G. Bradbury, Jeremiah Hobson, Abram L. Came, Joseph Hobson, James A. O. Harmon, James Morton, Samuel D. Hanson, Ansel W. Hanson, Peter Hill, and William Millikin, of Buxton, Arthur McArthur, of Limington, George Gilman, Porter Gilman, Nathan Hobson, Horatio Briant, Thomas Bradbury and John Haley of Hollis, John Jameson of Cornish, and Tobias Lord, and Edmund Mann of Standish, in the State of Maine, their associates, successors and assigns, are hereby incorporated into a company by the name of the president, directors, and company of the West Buxton Bank.

Corporate name.