

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE,

1857.

Published by the Secretary of State, agreeably to Resolves of June 23, 1820, February 26, 1840,
and March 16, 1842.

AUGUSTA:
STEVENS & BLAINE, PRINTERS TO THE STATE.
1857.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1857.

Chapter 121.

An act to incorporate the Pejepsot Bank.

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

SECT. 1. Ward Coburn, William Dennett, Samuel Thompson, Samuel Dunning, A. T. Campbell, Jonathan Davis, Alfred J. Stone, A. O. Swett, Theo. S. McLellan, their associates, successors and assigns, are hereby incorporated into a company by the name of the President, Directors and Company of the Pejepsot Bank.

Corporators.

Corporate name.

SECT. 2. The capital stock of said company shall be seventy-five thousand dollars, divided into shares of one hundred dollars each; and said bank shall be established and located in the town of Brunswick, in the county of Cumberland.

Capital stock
\$75,000.
Shares.

Location.

SECT. 3. The said corporation are hereby authorized and empowered to exercise all the rights and privileges conferred by the laws of this state, and subject to all liabilities and restrictions thereof.

Powers, privileges, &c.

[Approved April 15, 1857.]

Chapter 122.

An act to establish the Portland and Oxford Central Railroad Company.

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

SECT. 1. Ebenezer Cobb, David Dunn, Lucius Loring, Virgil D. Parris, Sampson Reed, John Hearsey, Benjamin Swasey, Ephraim Atwood, Thomas Cary, Thomas Hancock, William Small, Jr., George Bridgham, Jr., John Hancock, Henry Pennell, and Francis O. J. Smith, their associates, successors and assigns, are hereby made and constituted a body politic and corporate, by the name of the Portland and Oxford Central Railroad Company, and by that name shall have and enjoy all the rights, privileges and powers, and be subject to all the obligations enumerated in chapter eighty-one of the revised statutes, and in the several acts subsequently passed relating to railroads and railroad companies within this state, not inconsistent with the provisions of this act.

Corporators.

Corporate name.

SECT. 2. Said corporation are hereby authorized and empowered to locate, construct and finally complete, alter and keep in repair, a railroad, with one or more sets of rails, or tracks, with all suitable

Location of road.

CHAP. 122.

bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from some point in the city of Portland, or of junction with the York and Cumberland railroad, or with the Kennebec and Portland railroad, and extending thence upon the most eligible line through Westbrook, Falmouth, Cumberland, Gray, New Gloucester and Poland, to a junction with the Buckfield Branch railroad in Minot; *provided*, that the aforesaid location within said city, and from said city to the junction of the York and Cumberland and Kennebec and Portland railroads, at or near Morrell's Corner, so called, in Westbrook, if made or extended through any lands belonging in whole or in part to the heirs of the late James Deering, of said Westbrook, shall be confined within the located limits of the York and Cumberland and Kennebec and Portland railroads, as now made and used through said lands between the points aforesaid, and shall not interfere with the road of any company as now located, without the consent of such company. 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 under and subject to, and in the manner provided by existing laws regulating the taking and holding of lands for the purposes of railroads, 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; *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 said corporation is hereby empowered to negotiate with the York and Cumberland railroad company from said point of junction, and with the Kennebec and Portland railroad company from such point of junction therewith, by lease, purchase or otherwise, for a permanent right of way upon the track or within the limits of said last named roads, to the city of Portland, with all the rights and privileges that shall be thereby made incident thereto, for the purposes of the corporation hereby created. And in case such railroads 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 and paid for in the same manner as is provided for the recovery of other damages in the acts aforesaid.

Proviso.

Powers, privileges, &c.

Proviso.

Right of way upon certain railroads.

Right to fell or remove trees.

Compensation, how recovered.

SECT. 3. The capital stock of said corporation shall consist of sixteen thousand shares of fifty dollars each, as the same shall from time to time be authorized by the stockholders of said corporation, to be issued, not exceeding in the aggregate for the purposes of construction, the ratio of twenty thousand dollars per mile of the length of railroad hereby authorized. And the immediate government and direction of the affairs of said corporation, shall be vested in five or seven directors, who shall be chosen by the members of said corporation in the manner hereinafter provided, and subject to their direction; 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 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, for the faithful discharge of his trust.

Capital stock and shares.

Directors.

President.

Clerk.

Treasurer.

SECT. 4. Any three of the persons 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 the city of Portland, of the time and place, and the purposes of such meeting, ten days before the time mentioned in such notice.

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; and to create bonds for the payment of any needful indebtedness of the company, secured by mortgages of the franchise, and other property of the company, with all the privileges of redemption incident to mortgaged real estate, and not otherwise. And for all the purposes of such mortgages, all property of said corporation shall be deemed and treated as real estate exclusively.

By-laws.

Bonds.

All property deemed real estate.

SECT. 6. The president and directors, for the time being, under the direction of the stockholders, 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

Powers vested in the president and directors.

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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 assessments 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 cost of sale; *provided, however,* that no assessments shall be laid upon any share in said corporation of a greater amount in the whole than fifty dollars.

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 forms 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 direct.

SECT. 8. 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 of the state 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,

Duty of treasurer if assessments are not paid.

Proviso.

Toll granted.

Rate, how established. Transportation, &c.

—how regulated.

Mail, U. S., transportation of.

Compensation, how determined in case of disagreement.

—to keep road in good repair.

—to transport persons and property.

all and singular, the several obligations and duties by this section imposed and enjoined upon it, shall not be held or bound to allow, without its consent by lease or otherwise, any engine, locomotive, cars, carriages or other vehicles, 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 said corporation shall be under obligations to transport, or may contract for the transport over said road, in connection with their own trains or otherwise, the passenger and other cars of any other incorporated company having a railroad connecting with that hereby authorized. Such other company being subject to all the provisions of the seventh section of this act, as to rates of toll and all other particulars enumerated in said section.

No engine, &c., to pass over said road.

Proviso.

SECT. 9. The annual meeting of the members of said corporation shall be holden on such day as shall be determined by the by-laws, and at such hour and place as the directors, for the time being, shall appoint; at which meeting the directors shall be chosen by ballot, each stockholder, 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. And in case of a failure, from any cause, to elect a board of directors on the day so appointed for the annual meeting, the said meeting shall be adjourned from day to day until such election shall have been effected, and a new board organized to act. And no director, holding over his official term of one year, shall perform any other acts for the corporation, except such as shall be requisite to preserve the interests of the company, until a new board of directors shall have been organized.

Annual meeting.

Directors, choice of.

Special meetings.

Failure to elect directors, meeting to be adjourned.

Director holding over.

SECT. 10. It shall be competent for said corporation to purchase, on such terms as the parties shall mutually stipulate, the franchise and all the property, real and personal, road, road bed, track, depots, buildings and equipments, pertaining to and constituting the Buckfield Branch railroad, with all the privileges, rights of way, and other immunities whatsoever, pertaining to said last named road, and held under and by virtue of the charter therefor, and for this purpose proportionably to increase the capital stock of the corporation hereby authorized, to an extent requisite to represent the value of such purchase, and to add certificates of shares accordingly to the number otherwise authorized by this act. And from and after such purchase, and a transfer of said franchise and property, by the owners thereof, said Buckfield Branch railroad shall merge in and become a part of the Portland and Oxford Central railroad, and be

Buckfield Branch Railroad, purchase of.

—to become part of Portland and Oxford Central Railroad.

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subject to all the liabilities, and entitled to all the privileges, rights and immunities of the other property of said Portland and Oxford Central railroad company; and the charter hereby granted shall in such case be and operate in all the powers, rights and privileges herein described, co-extensively with the line of road herein first described, and the line heretofore embraced by the act incorporating said Buckfield Branch railroad company, and the last named company shall thereupon cease, except for the purposes of preserving the rights of the creditors thereof, none of which rights shall be limited, enlarged, changed or annulled, by anything herein contained or provided.

Charters of said railroads, operations of.

Creditors, rights of, preserved.

Right of the legislature to inquire into the doings of said corporation, &c.

Charter, revocation of.

Building of said railroad, when to be commenced.

Time of location and completion of said road.

SECT. 11. 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 before 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.

SECT. 12. The building of said railroad shall not be commenced until a *bona fide* and responsible subscription to the capital stock of said company is obtained, to an amount at least equal to fifty per cent. of the engineer's estimate of the whole cost of said railroad from Portland to Mechanic Falls, exclusive of any subscription to be paid for by the transfer of any other railroad to said company. If said company shall commence building said railroad before such subscription is obtained, they shall have no benefit from the provisions of this act.

SECT. 13. 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 respectively in which the same may be located, on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and sixty; or if the said corporation shall fail to complete said railroad to the extent of its rights under this charter, on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and sixty-eight, in either of the above mentioned cases this act shall be null and void for so much of the said line or route as shall, at said time, remain unfinished.

SECT. 14. The stockholders of said corporation shall be exempt from the operation of the provisions of sections eighteen, nineteen, and twenty, of chapter seventy-six of the revised statutes, and all provisions auxiliary thereto; but the stock, and interest in the stock of said corporation, of each member thereof, shall be liable to seizure and sale, and transfer, in the same manner as for such stockholder's individual debt, upon execution duly recovered against said corporation, whenever the officer holding such execution shall first ascertain and certify upon such execution, that he cannot find corporate property or estate wherewith to satisfy the same; and each stockholder whose stock shall be so seized and sold for the debt of the corporation, shall have the same remedy for the amount thereof by contribution against other members of said corporation, as is contemplated in the twenty-second section of the aforesaid chapter of the revised statutes.

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Stockholders exempt from the operation of certain laws.

Stock and interest liable to seizure, &c., for debts.

—remedy of stockholder whose stock shall be sold.

[Approved April 15, 1857.]

Chapter 123.

An act to incorporate the Proprietors of the Augusta Free Bridge Company.

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

SECT. 1. John A. Pettingill, Joseph W. Patterson, Thomas Little, Hiram H. Hill, E. K. Robinson, William C. Barton, and George Robinson, with their associates and successors, be, and they hereby are, incorporated into a company by the name of the Augusta Free Bridge Company, with power to prosecute and defend suits at law; use a common seal, make by-laws for the management of their affairs and protection of their property, not repugnant to the laws of the state; choose all necessary officers, and have and exercise all the powers usually granted to bridge corporations, except the power of demanding and receiving tolls of stockholders, or of any members of their families.

Corporators.

Corporate name.

By-laws.

Powers, &c.

SECT. 2. Said corporation is authorized to purchase the toll bridge across the Kennebec river, at Augusta, in the county of Kennebec, on application to the proprietors thereof, or their agent, clerk or treasurer, by paying to them the value of said toll bridge and their franchise, together with their toll house attached to same, and the land on which said bridge is erected, to be mutually agreed upon by the parties; or appraised by persons mutually agreed upon,

Authorized to purchase Kennebec bridge.

Appraisement.