

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

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.

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.

CHAP. 123.

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.

CHAP. 123.

Appraisers,
duties of.

Award.

Kennebec bridge,
sale of, &c., how
adjusted.

or in case no such agreement can be had, the value at which the same may be purchased shall be ascertained by three disinterested persons, inhabitants of the county of Kennebec, on application of either party to any judge of the supreme judicial court, to be by him appointed; said appraisers shall give to the parties notice of the time of their meeting to examine and appraise said property, and make to each party a written award, signed by at least a majority of said appraisers, under oath, for whose services compensation shall be made by the "Free Bridge Company." After application made as aforesaid to the proprietors of the Kennebec bridge, for a sale thereof, said proprietors shall have sixty days within which to give their answer whether they will sell or not, and in case the value of said property shall be ascertained by appraisal, as aforesaid, said proprietors shall have two months within which to decide whether they will sell according to said appraisement; and if within that time they shall elect to sell and convey said property, at the price at which the same shall have been appraised by said appraisers, and shall give written notice thereof to said "Free Bridge Company," then said "Free Bridge Company" shall within six months from the receipt of such notice, pay such appraised value to such person as said proprietors shall in said notices designate, and for their use, or take no benefit by this act; and if said "Free Bridge Company" shall pay said appraised value, within the time and in the manner aforesaid, or within six months from the time a price may be agreed upon, then they shall be entitled to receive a conveyance of said property. But the proprietors of said "Kennebec bridge" shall take and receive their tolls until the amount of said appraisement or price agreed upon is paid, as herein provided.

Same subject.

SECT. 3. If the proprietors of the Kennebec bridge shall not within the sixty days allowed, as aforesaid, make known in writing to said "Free Bridge Company" their consent to sell said property, agreeable to the provisions of this act, or shall not within the two months allowed after the appraisement shall have been made known to them, notify said "Free Bridge Company" of their election to comply with the condition of said appraisal, and to convey their property, upon being paid the sum at which the same shall have been appraised, within the time fixed by this act, then the proprietors hereby incorporated, their associates and successors, are hereby authorized to erect, maintain, rebuild and repair a bridge, across the Kennebec river, at Augusta, at such place as they may select between a line drawn at right angles across said river, from the south side of the "Vose wharf," and a line parallel with the south side of Kennebec bridge, and thirty feet distant southerly therefrom,

Authorized to
build, &c.

Location.

or at such point as they may select between said Kennebec bridge and the Somerset and Kennebec railroad bridge; *provided, however*, the same shall not be built within ten rods of said Kennebec bridge, if built on the north side thereof, nor within six rods of said railroad bridge; *provided*, said bridge shall not be so constructed, nor the piers and abutments so placed, as to interfere unnecessarily with the passage of boats and rafts having occasion to pass on said river; *and, provided further*, the city of Augusta is hereby authorized to lay out and maintain such public ways as may be necessary to connect any existing highways in said city, by means of said bridge, and the same proceedings shall be had in the estimation and payment of the damages to land owners, over whose land said ways may be laid out, as is now provided by law for the laying out of highways.

Proviso.

City of Augusta, authorized to lay out ways, &c.

—damages, how determined.

SECT. 4. Said corporation is hereby empowered and authorized to take the land and buildings of any person or persons within the limits aforesaid, necessary for the erection of said bridge and the protection of the abutments thereof, upon payment to the owners thereof of all damages which may be caused to their estates more than they may be benefited thereby, and if the parties cannot agree upon the amount to be paid as damages, the same may be appraised by three disinterested citizens of the county of Kennebec, agreed upon by the parties, or appointed by the county commissioners of the county of Kennebec, on application of either party; and the report of said appraisers, or a majority of them, under oath, made to said court, shall be final and conclusive, unless either party shall object thereto within thirty days after said report is made, in which case a jury may be had by the party objecting, as provided for the estimation of damages by the location of highways; and in the construction of said bridge, the same shall be so constructed as to allow as free flow of water between the piers thereof, as there now is between the piers of the railroad bridge before named, and the arches of said bridge shall be as high above the level of the water in the river, as the arches of the Kennebec bridge now are.

Authorized to take land, &c.

Damages, how determined.

Bridge, how constructed.

SECT. 5. Said corporation is hereby empowered, for the purpose of raising the necessary funds for the erection of said bridge, to issue certificates of stock in said bridge, not exceeding six thousand in number, at a price not exceeding six dollars for each certificate or share, which certificates shall be transferable by the owners thereof; and it shall be the duty of the clerk of said corporation to record the names of all persons to whom certificates of stock shall be issued, in a book to be kept for that purpose, and to enter the names of all persons to whom any certificate may have been transferred, upon being requested so to do; and any person owning one

Authorized to issue certificates of stock.

Clerk, duty of.

CHAP. 124.

Owner of certificate or share entitled to pass free.
—others to pay toll.

Authorized to convey bridge to city of Augusta.

—may take and hold the same.

Surplus money to be deposited with the treasurer of the city of Augusta.

Treasurer and city, duties of.

When bridge to be free to all.

When to purchase or build.

First meeting, how called.

certificate or share shall be entitled, himself and family, and teams, to pass said bridge free of toll, so long as the same shall stand; but all persons not share owners, or members of the family of some share owner, shall pay the same toll now paid to Kennebec bridge.

SECT. 6. Said corporation shall have power at any time, after the erection of said bridge or the purchase of Kennebec bridge, to convey the same to the city of Augusta, together with all the privileges, rights and immunities, which they may acquire under this act; and the said city of Augusta is hereby empowered to take and hold the same in conformity with this act.

SECT. 7. All moneys received by said company from sales of stock, contributions or tolls, over and above the amount necessary for the erection of said bridge, or the purchase of the Kennebec bridge, after deducting all necessary incidental expenses, shall be deposited with the treasurer of the city of Augusta; and it shall be the duty of said treasurer to receive the same, and of said city to cause the same to be put upon interest for the benefit of this corporation; and whenever a fund shall be obtained amounting with the interest to the sum of fifteen thousand dollars, the same shall be deemed sufficient, with the annual interest thereon, to keep said bridge in repair, and the bridge shall then be free to all.

SECT. 8. If the corporation hereby created, shall not within five years from the passage of this act, purchase the Kennebec bridge or build a new bridge, then this act shall be void and of no effect; and the first meeting of this corporation may be called by any two of the persons named in the first section of this act, by notice published in some newspaper published in the county of Kennebec.

SECT. 9. This act shall take effect and be in force from and after its approval by the governor.

[Approved April 15, 1857.]

Chapter 124.

An act to incorporate the Ticonic Company.

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

SECT. 1. Dennis L. Milliken, James Stackpole, Edwin Noyes, N. R. Boutelle, Samuel Appleton, Jones R. Elden and Josiah H. Drummond, their associates, successors and assigns, are hereby created a body politic, by the name of the Ticonic Company, for the manufacture of goods from wool or cotton, at Waterville, with

Corporators.

Corporate name.