

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1860.

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

AUGUSTA:
STEVENS & SAYWARD, PRINTERS TO THE STATE.
1860.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1860.

CHAP. 451. sonal property of said railroad corporation, which lien shall have preference and be prior to all other liens and incumbrances whatever, on the said extension from Leeds to Topsham or Brunswick, and on the road from Leeds to Farmington, and on all the other property of said railroad corporation, subject only to prior uncanceled mortgages; and said lien shall be enforced, and all the rights and interests of said city shall be protected when necessary, by suitable and proper judgments, injunctions or decrees of said supreme judicial court, on a bill or bills in equity, which power is hereby specially conferred on said court. And it is hereby provided, that the said lien provided for in this section shall not be deemed waived or ineffectual by the acceptance on the part of said city, of any mortgage or other securities contemplated by the provisions of this act, or otherwise.

—not waived,
&c.

Act, acceptance of, &c.

SECT. 12. This act shall not take effect unless it shall be accepted by said corporation within six months from and after its approval; and also, by said city, by a vote of the legal voters thereof voting in public meeting duly and legally called within six months from and after its approval; and at least two-thirds of the legal voters of said city, present and voting at said meeting as aforesaid, shall be necessary for the acceptance of this act on the part of said city. The vote of said public meeting shall be ascertained and declared in open town meeting, and if the act shall be accepted, as aforesaid, then after such acceptance and record thereof, all the parts of this act shall take effect and be in full force thereafter.

SECT. 13. The provisions of this act shall be in force from and after its approval by the governor.

[Approved March 17, 1860.]

Chapter 451.

An act to incorporate the Maine Steam Road-carriage Company.

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

Corporators.

Corporate name.

By-laws.

May hold real and personal estate.
Powers, &c.

SECT. 1. Jeremiah Fenno, Nathan Perry, Jr., and Carlostin Jewett, with their associates, successors and assigns, are hereby created a body corporate under the name of the Maine Steam Road-carriage Company, with power by that name to prosecute and defend suits at law, to have and use a common seal, and make by-laws and regulations from time to time for the management of the affairs of said corporation not repugnant to the laws of this state, and to hold such property, real or personal, as may be desirable to effect the objects of such corporation, and to enjoy all the powers and be

subject to all the duties and liabilities expressed in the general laws of this state defining the power and duties of corporations, as well as those in this act set out.

SECT. 2. The said corporation shall, provided they comply with the conditions of this act, have and enjoy for themselves and their assigns the exclusive and sole right and privilege for the term of twelve years from the fourth day of July, in the year of our Lord one thousand eight hundred and sixty, of using steam machinery as a motive power for drawing or propelling on or over any highways, town-ways or roads in this state, in the ordinary condition of such ways or roads, any carriages, carts or cars of any description, for the transportation as common carriers of passengers and freight; *provided*, that nothing herein shall be construed to prevent the owners of the slate quarries in the county of Piscataquis from using steam power in conveying slate and other articles to and from the tide water at Bangor; and *provided further*, that the legislature shall, at all times, have power to alter, annul or repeal this act.

Exclusive rights, &c.

Proviso.

—further proviso.

SECT. 3. The said corporation may charge and collect such rates of fare or freight for such transportation, *provided* such rates for transportation of freight shall not exceed seventy-five per cent. of the average of the preceding five years on any roads on which steam carriages shall be placed, and make such arrangements in relation to such business as they may deem proper not inconsistent with the laws of this state; and said corporation, when it shall go into operation, with their assigns, shall have all the rights and privileges and be subject to all the duties and liabilities under law of common carriers by land, and to the law of the road; and if any bridge over which the parties should wish to travel with steam carriages, being sufficient for the purposes of ordinary travel, should be found insufficient for their use, any necessary additional strength shall be provided at the expense of the parties desiring the same.

Rates of fare, &c.

Rights, privileges, &c.

SECT. 4. Any citizen of this state who may be injuriously affected by the use of steam carriages under this act, may apply to any justice of the supreme judicial court for an injunction upon the use of the same, and if on a hearing after due notice it shall appear that the use of such carriages is dangerous to the public safety, or injuriously interferes with the use of the highways by the public, such justice may issue an injunction restraining the parties from using the same on any highway. But whenever the said parties shall satisfy the justice who issued the injunction that the objections have been removed, said justice may remove the injunction.

Injunction, &c.

SECT. 5. The said corporation shall be organized before the expiration of two years from said fourth day of July, in the year of our Lord one thousand eight hundred and sixty, and before that time shall put into actual operation on some one of such ways or

Corporation, organization of.

CHAP. 452. roads in this state, one or more machines for transportation by steam power of passengers and freight under the terms of this act.

SECT. 6. This act shall take effect from and after its approval by the governor.

[Approved March 17, 1860.]

Chapter 452.

An act to incorporate the Mattawamkeag Lake Dam Company.

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

Corporators.	SECT. 1. Davis R. Stockwell, A. D. Manson, Isaac M. Bragg, A. R. Hallowell, Henry E. Prentiss, Samuel F. Hersey, Rufus Dwinel, Thomas W. Baldwin, Edmund Pearson and Arad Thompson, their associates and assigns, are hereby created a body politic
Corporate name.	by the name of the Mattawamkeag Lake Dam Company, with all the powers, rights and privileges of similar corporations.
Authorized to erect dams, &c.	SECT. 2. Said corporation shall have the right to erect and maintain a dam across the west branch of the Mattawamkeag river at or near the foot of Mattawamkeag lake in township number four, range three, for the purpose of facilitating the passage of logs and lumber down said river ; and is authorized to enter upon and take such land, timber or other material as it may find necessary to build and maintain said dam, or to rebuild or repair the same ; and is empowered to flow lands, so far as may be necessary to accomplish said object ; <i>provided however</i> , that said corporation shall pay the proprietor or proprietors of land, property or material taken and used, such sum as may be agreed on, and if the parties cannot agree, such damages as shall be ascertained and determined by the county commissioners of the county of Aroostook, in the same manner, and under the same conditions and limitations as are by law provided in the case of damage in laying out public highways, and for lands flowed, the proprietor or proprietors may obtain damages therefor in the same mode and manuer, and to the same extent, and under the same conditions and limitations as are provided in chapter ninety-two of the revised statutes for damages where lands are flowed by the erection of mills. And said corporation shall have the right to demand and receive on all logs or lumber that pass over or through said dam from the owner or mortgagee thereof, a toll of one cent per thousand feet, board measure, woods' scale, for every one hundred dollars expended in building said dam, or in rebuilding it, if carried away wholly or in part, and including the money already expended on it, until said corporation shall have
Proviso.	
Toll.	