

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-NINTH LEGISLATURE

OF THE

STATE OF MAINE.

1860.

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1860.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1860.

which fund shall be applied to the payment and canceling of the same as fast as they become due. CHAP. 456.

SECT. 4. The city government may make and declare said bridge free, and cease to take tolls thereat, whenever the legal voters of said city, in mass meeting, called for that purpose, shall vote so to do, but in no case shall the city take tolls at said bridge after the net income therefrom shall be sufficient to pay the purchase and accumulate a fund not exceeding fifteen thousand dollars, for the purpose of keeping said bridge in repair. Bridge, when to be made free.

SECT. 5. This act shall be in force from and after its approval by the governor.

[Approved March 17, 1860.]

Chapter 456.

An act to change the name of Ellen E. D. Hinkley.

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

SECT. 1. Ellen E. D. Hinkley of Augusta, shall be allowed to take the name of Ellen E. D. Norcross. Name changed.

SECT. 2. This act shall take effect when approved by the governor.

[Approved March 17, 1860.]

Chapter 457.

An act to incorporate the Portland and Forest Avenue Railroad Company.

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

SECT. 1. Eliphalet Clark, John B. Coyle, John W. Adams, Newell A. Foster and Warren Sparrow, their associates and successors, are hereby constituted a corporation by the name of the Portland and Forest Avenue Railroad Company, with authority to construct, maintain and use a railroad to be operated by horse power, with convenient single or double tracks, from such point in the city of Portland, upon and over such streets therein, as shall from time to time be fixed and determined by the municipal officers of said city of Portland, and assented to in writing by said corporation, to the boundary line between said city and the town of Westbrook, and thence upon and over such streets, town and county roads in said town of Westbrook as from time to time, may be fixed Corporators.
Corporate name.
Construction.
Location, how determined.

CHAP. 457.

and determined by the municipal officers of said town, and assented to in writing by said corporation, to some point at or near the entrance to Evergreen Cemetery, and thence to such other point or points in said town of Westbrook, as may in like manner from time to time be fixed and determined by the municipal officers of said town, and assented to in writing by said corporation; said corporation shall also have authority to construct, maintain and use said railroad over and upon any lands where the land damages have been mutually settled by said corporation and the owners thereof; but said corporation shall make no erections within any of the tide waters of Back cove without the written approval of the harbor commissioners; *provided however*, that all tracks of said railroad shall be laid at such distances from the sidewalks of said city of Portland and town of Westbrook, as the municipal officers thereof, respectively, shall in their order fixing the routes of said railroad determine to be for public safety and convenience. The written assent of said corporation to any vote or votes of the municipal officers of either said city or town, prescribing from time to time the routes of said railroad, shall be filed with the respective clerks of said city or town, and shall be taken and deemed to be the locations thereof. Said corporation shall have power from time to time, to fix such rates of compensation for transporting persons or property, as it may think expedient, and generally shall have all the powers and be subject to all the liabilities of corporations, as set forth in the forty-sixth chapter of the revised statutes. Rails shall not be laid down in said city or town without the assent of the municipal officers thereof, respectively. The original location of the route when granted shall be for the term of twenty-five years. The same may be renewed from time to time for a term not exceeding twenty-five years at any one time, by said municipal officers, upon such terms as they may deem expedient. No such renewal shall be granted prior to two years before the expiration of the location then established. No location shall be granted or renewed, except upon reasonable prior notice to all parties interested. If at the expiration of any of said terms, the use of the streets, roads or highways, occupied by said company's railroad, is granted by the municipal officers of either said city or town, or both, to any other corporation or person, it shall be upon condition that such corporation or person shall purchase of said company all its property of every description in necessary use for the purposes of said railroad upon such terms as may be agreed upon by the parties, or determined by persons selected by them; and if they are unable to agree, the value of the same shall be determined by three disinterested persons, appointed by a judge of the supreme judicial court, on application of either party, and hearing thereon. Said appraisers shall be sworn, give notice of the time and place of their meeting

Authorized to construct, when land damages have been settled, &c.

Proviso.

Vote or votes of city or town, assent of corporation, shall be filed with clerks, &c.

Powers, &c.

Original location, term of.

—may be removed.

—when to be removed.

Notice.

If at expiration of terms, use of streets, &c., is granted any other corporation, &c.

—said corporation shall purchase, &c.

—terms, how determined.

Appraisers, duties of.

to examine and appraise said property, and shall make to each party a written award; and their services shall be paid in equal proportions by the parties. If the municipal officers of either said city or town, or both, determine, that at the expiration of any of said terms, the use of the streets, roads or highways occupied by said company's railroad, shall be granted to any person or corporation, for the purposes of a horse railroad on the payment of any sum of money, yearly or in any other manner, said company shall have the preference, and such use shall be granted or renewed to said company, provided it will pay as much therefor as any other corporation or person.

CHAP. 457.
—services of,
how to be paid.

SECT. 2. Said railroad shall be operated and used by said corporation with horse power only. The municipal officers of said city of Portland and of said town of Westbrook, respectively, shall have power at all times to make all such regulations, as to the rate of speed and removal of snow and ice from the streets, roads and highways by said company at its expense, and mode of use of the track of said railroad within said city or town, as the public convenience and safety require.

Railroad, how
to be used.
City and town
may make
regulations,
&c.

SECT. 3. Said corporation shall keep and maintain in repair, such portion of the streets, town or county roads, as shall be occupied by the tracks of its railroad, and shall make all other repairs of said streets or roads, which in the opinion of the municipal officers of said city or town respectively may be rendered necessary by the occupation of the same by said railroad, and if not repaired upon reasonable notice, such repairs may be made by said city or town respectively, at the expense of said corporation. And said corporation shall be liable for any loss or damage which any person may sustain by reason of any carelessness, neglect or misconduct of its agents or servants.

Corporation
shall keep in
repair, streets,
&c.

—liability.

SECT. 4. If any person shall wilfully and maliciously obstruct said corporation in the use of its road or tracks, or the passing of the cars or carriages of said corporation thereon, such person and all who shall aid and abet therein, shall be punished by a fine not exceeding two hundred dollars, or may be imprisoned in the county jail for a period not exceeding sixty days.

Obstructions in
use of roads,
&c.

Penalty.

SECT. 5. The capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of fifty dollars each, and no share shall be issued for less than the par value.

Capital stock.
Shares.

SECT. 6. Said corporation shall have power to purchase and hold such real estate as may be necessary and convenient for the purposes and management of said railroad.

May hold real
and personal
estate.

SECT. 7. Said railroad shall be constructed and maintained in such form and manner, and with such rail, and upon such grade as

Railroad to be
constructed,

- CHAP. 457.** *the municipal officers of said city of Portland and of said town of Westbrook respectively, shall from time to time prescribe and direct; and whenever in the judgment of said corporation it shall be necessary to alter the grade of any street, town or county road, occupied by its railroad, said alterations may be made at the sole expense of said corporation; provided the same shall be assented to by the municipal officers of said city and town respectively. If the tracks of said company's railroad cross any other railroad of any kind, in either said city or town, and a dispute arises in any way in regard to the manner of crossing, said municipal officers of the town or city in which said proposed crossing is to be made, shall, upon hearing, decide and determine in writing in what manner the crossing shall be made, which shall be constructed accordingly.*
- &c., under direction of city and town. —alterations in grade.*
- Proviso.*
- Crossings.*
- manner of, how determined.*
- Streets or roads, in relation to.*
- SECT. 8.** Nothing in this act shall be construed to prevent the proper authorities of said city or town respectively from entering upon and taking up any of the streets, town or county roads occupied by said railroad, for any purpose for which they may now lawfully take up the same.
- Act, acceptance of, &c.*
- SECT. 9.** This act shall be void unless the same shall be accepted by said corporation, and ten per cent. of the capital stock thereof, be paid within five years from its passage.
- Bonds, issue of, &c.*
- SECT. 10.** Said corporation is hereby authorized to issue bonds for the purpose of constructing its railroad, or for money which it may borrow for any purpose sanctioned by law; but the bonds so issued shall not exceed the amount of capital stock paid in by the stockholders. Said bonds may be issued in sums not less than one hundred dollars each, payable in not more than twenty years from their date, with interest at the rate of six per cent. payable semi-annually.
- approval of, &c.*
- SECT. 11.** Such bonds shall be approved by a majority of the finance committee of said corporation, who shall certify that each of said bonds is properly issued and recorded upon the books of the corporation. All bonds and notes which shall be issued by said corporation shall be binding and collectable in law, notwithstanding such bonds or notes may be negotiated and sold by said corporation or its agents at less than their par value.
- how secured.*
- SECT. 12.** Said bonds shall be secured by a conveyance of the corporate property to three trustees, by a suitable instrument of mortgage to secure the payment of said bonds.
- Sinking fund.*
- SECT. 13.** Said corporation shall pay semi-annually to said trustees, a sum equal to one per cent. on the amount of said bonds for the purpose of creating a sinking fund. Said trustees shall have the care and management of all the moneys, funds and securities belonging to said sinking fund, and they shall from time to time,
- trustees to have management of, &c.*

at their discretion, invest the moneys on hand securely, and so that the same shall be productive; and the same may be invested in the bonds of said corporation, secured as aforesaid, or loaned on interest to any county, city or town, or any bank in this state, or the same may be loaned on interest, well secured by a first mortgage of real estate to an amount not exceeding one half the value thereof, or by pledge of the scrip or stock of any of the New England States, or of any city, county or town as aforesaid, and the said fund with the accruing interest shall constitute a sinking fund for the payment and redemption of said bonds.

SECT. 14. The provisions of the fifty-third section of the fifty-first chapter of the revised statutes, and of the nine sections of said chapter next following, are hereby made applicable to said bonds and to said mortgage made to secure the same, but said corporation shall not be subject to the other general provisions of law relating to railroads.

Certain acts made applicable to bonds, &c.

SECT. 15. This act shall take effect when approved by the governor.

[Approved March 19, 1860.]

Chapter 458.

An act to incorporate the International Steamship Company.

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

SECT. 1. James L. Farmer, James N. Winslow, H. I. Robinson and John Lynch, their associates, successors and assigns, are hereby constituted a body politic and corporate by the name of the International Steamship Company, for the purpose of carrying on the business of navigation by vessels propelled by steam or otherwise to and from the city of Portland, or to and from any other port in Europe or America, with all the powers and privileges, and subject to all the duties and liabilities provided by the general laws of this state.

Corporators.

Corporate name.

Powers, privileges, &c.

SECT. 2. The capital stock of said corporation shall not be less than one thousand, nor more than ten thousand shares of one hundred dollars each, and any person, subscribing to said stock, shall be personally liable to pay the assessments thereon, not exceeding one hundred dollars per share.

Capital stock.
Shares.

SECT. 3. This act shall take effect from and after its approval by the governor, and any person named in this act, may call the first meeting of said corporation for the purpose of organizing the same, by giving notice thereof by publication in some newspaper

First meeting, how called.