

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE.

1862.

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

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1862.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1862.

serting sixty-seven; and by striking out in the same section the words "sixty-four" and inserting seventy-four; also amending by striking out in sections nineteen and twenty the words "Lincoln Democrat" and inserting the words Bath Times or some other paper printed in Lincoln or Sagadahoc counties.

SECT. 2. This act shall take effect and be in force from and after its approval by the governor.

[Approved March 19, 1862.]

CHAP. 191.

Chapter 191.

An act to incorporate the Somerset and Kennebec Telegraph Company.

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

SECT. 1. Abner Coburn, Joseph Eaton and Samuel Cony, their associates and successors, are hereby created a body corporate by the name of the Somerset and Kennebec Telegraph Company, for the purpose of constructing, maintaining and operating lines of electric telegraph from some point in the city of Augusta to the town of Skowhegan, and thence northerly to any other point or place lying northerly therefrom, with all the rights and privileges, and subject to all the liabilities provided by the general laws of this state relating to corporations and telegraph companies.

Corporators.

Corporate name.

Route of line.

Rights, privileges, &c.

SECT. 2. The said company is authorized to locate and construct its lines aforesaid along and upon any public highway, or railroad, or private property, or across any land, by the erection of the necessary fixtures; but the same shall not be so constructed as to incommode the public use of said roads or highways, or interrupt the navigation of any waters, nor shall the company have authority to construct any bridge across any waters of this state; *provided however*, said lines shall be constructed within three years after the passage of this act.

Location and construction.

—not to obstruct roads, &c.

Proviso.

SECT. 3. The company shall have power, by agreement with other persons or bodies corporate, to connect their lines of telegraph, with other lines of telegraph constructed within or out of this state.

May connect with other lines.

SECT. 4. The said company shall have authority to cut down any trees except ornamental or shade trees, which may be within the limits of the highways, and which would otherwise obstruct the erection of their lines, or injure the same by falling. And any trees standing upon lands by the side of any road, by which the said lines shall be located, may also be cut down, if necessary for the safety of such lines, and the owners of such lands shall be en-

Authorized to remove trees.

Damages, how ascertained and determined.

CHAP. 191.

titled to compensation therefor, to be ascertained, if the parties do not agree, in the manner prescribed in the fifth section of this act, and said company shall be held to pay the amount so ascertained and awarded.

Land damages, how ascertained and determined.

SECT. 5. Any person claiming damages of said company, for locating and constructing their lines across or upon the land of such person, may, at any time within six months after such construction, file an application with the mayor of any city, or selectmen of any town, where such land lays, stating therein the description of the land and the amount claimed and requesting said mayor or selectmen to award reasonable damages in the premises. The mayor or selectmen shall forthwith notify the parties, for a hearing on the application, and shall award such damages against said corporation thereon, as they deem just and equitable; the amount awarded, as aforesaid, shall be paid to the owner of the land used, within thirty days after notice of the amount awarded, is given to any officer of said corporation; and if not paid, or tendered to the owner aforesaid, within that time, the right of said corporation to maintain their telegraph lines on, or across said premises, shall be suspended until payment is made or tendered.

Notice to parties.

Damages, when to be paid.

—if not paid, line to be suspended.

Capital stock.

SECT. 6. The capital stock of said company shall be of such amount as the company may from time to time determine, to be necessary for the exclusive purposes hereby authorized.

Shall receive dispatches from other lines, &c.

SECT. 7. It shall be the duty of the company, whenever their lines shall be in readiness for operation, over any part of the routes herein authorized, to receive dispatches from and for any other telegraph lines and associations, or companies, and from and for any individuals or corporations, and on payment of their usual charges for individuals, for transmitting dispatches, as established by the general rules and regulations of the company, to transmit the same, subject only to the limitations contained in the following section, with impartiality and good faith, under the penalty of one hundred dollars for every neglect or refusal so to do; which penalty may be recovered by an action of debt, in the name, and to the use of the person or persons, sending or desiring to send any such dispatch.

Penalty for neglect.

—how recovered.

Dispatches in certain cases.

SECT. 8. The said company shall be bound, on application of any officer of the United States or of this state, acting in the event of any war, insurrection or resistance of public authority, or in the prevention, or for the punishment of crime, or the arrest of persons charged or suspected of crime, to give to communications of such officers immediate dispatch; and if any officer, clerk or operator of said company shall refuse, or wittingly omit to transmit any such communication, or shall designedly alter or falsify the same, for any purpose whatever, he shall be subject to indictment therefor; and on conviction shall be sentenced to pay a fine not exceeding

Penalty for neglect.

five hundred dollars, or be imprisoned in the county jail not more than one year. But the company shall receive for transmitting such communications, the same compensation that shall be paid for transmitting private communications of similar length.

SECT. 9. Nothing in this act contained shall exonerate said company from the liability to which they may be subject at common law for the payment of damages for any breach of contract or duty on their part.

Damages for breach of contract.

SECT. 10. Any one of the persons named in the first section of this act may call the first meeting of the company by giving notice thereof to each of his associates; and this act shall take effect from and after its approval by the governor.

First meeting, how called.

[Approved March 19, 1862.]

Chapter 192.

An act to revive and amend an act additional to "an act to establish the Kennebec and Wiscasset Railroad Company."

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

SECT. 1. The act additional to "an act to establish the Kennebec and Wiscasset Railroad Company," is hereby revived, reserving to the legislature the power to alter the same, and amended by adding in the first section after the word "Dresden," the words or Woolwich; also after the word "Richmond" the words Bowdoinham or Bath; also further amended by striking out the word "north" in the same section.

Act additional to incorporate, amended.

SECT. 2. This act shall take effect and be in force from and after its approval by the governor.

[Approved March 19, 1862.]

Chapter 193.

An act to revive and amend "an act to authorize the town of Wiscasset to aid in the construction of the Kennebec and Wiscasset Railroad."

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

SECT. 1. The act to authorize the town of Wiscasset to aid in the construction of the Kennebec and Wiscasset Railroad is hereby revived and amended so that section two of the act which this bill revives and amends shall read as follows:

Act of March 16, 1855, revised and amended.