

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1864.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1864.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1864.

Chapter 320.

An act to amend chapter two hundred and fifty-one, section seven of the special laws of eighteen hundred sixty-three, relating to expenditure of school money in Madawaska townships.

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

SECT. 1. Section seven of chapter two hundred and fifty-one of the special laws of the year eighteen hundred and sixty-three, is hereby amended by striking therefrom the words, "irrespective of the payment of any state tax."

Chap. 251,
sec. 7, special
laws of 1863,
amended.

SECT. 2. This act shall take effect when approved.

Approved February 20, 1864.

Chapter 321.

An act authorizing the further extension of the European and North American Railway.

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

SECT. 1. The European and North American Railway Company is hereby authorized to enter into contract with the Maine Central Railroad Company, for operating its line of railway as built; and the Maine Central Railroad Company is hereby authorized to contract for this purpose with said railway company, and to run its engines and cars over said line; and the directors of the two companies may enter into contract for the purpose aforesaid, on such terms and conditions as may in the judgment of the directors, be for the mutual advantage of the two companies, subject to the approval of the stockholders of each corporation.

Authorized to
contract with
Maine Central
Railroad Co.

Directors of
the two roads
may enter into
contract.

SECT. 2. The European and North American Railway Company shall have a further time of one year, within which it may make a new location of any part of its line, but not to change its general route from Bangor to the mouth of the Mattawamkeag river, with the right to pass on either side of the Penobscot river, from Oldtown to Lincoln, and to extend a branch line to the Penobscot boom, crossing any one of the islands in the Penobscot river above the Cook or Steamboat channel, between Oldtown and Orson islands; and said railway company may extend a branch of its line to the slate quarries in the valley of the Pleasant river at Brownville, and to the Katahdin Iron Works, from any point on their line between Oldtown and Lincoln. From the mouth of the Mattawamkeag river east and north-east, the said railway company may have a further time of two years in which it may file a new

Location, time
of, extended.

—may extend
branch to
Penobscot
boom.

—may extend
branch to
Brownville,
&c.

Location, line
of extended
from Matta-
wamkeag
river.

CHAP. 321. location of its line to the boundary in the most direct line to St. John city, in New Brunswick.

May extend branch to Houlton, &c.

SECT. 3. Said railway company may extend a branch line of its railway from some point on its line east of the mouth of the Mattawamkeag to Houlton, and to the northern boundary of the state, with a branch line to Woodstock and to the St. John river at Woodstock village; *provided*, authority therefor be granted by the legislative authorities of New Brunswick.

Proviso.

May lease its line, &c.

SECT. 4. The European and North American Railway Company may lease its line of railroad, or enter into and execute a contract in the nature of a lease, such as will enable the lessees thereof to maintain and operate by means of said railway and other roads in extension of the same, a connected line of railway from Bangor to Halifax, in the province of Nova Scotia; and said European and North American Railway Company, under the authority of its charter, may purchase any existing lines of railway between the city of Portland and the city of Halifax, or take a lease thereof of any one or more of them. But nothing contained in this act or any lease or contract that may be made under the authority of the same, shall exonerate said company or the stockholders thereof, from any duties or liabilities imposed upon them by the charter of said company or the general laws of the state, nor shall anything herein contained in any manner limit or circumscribe any power of the legislature of this state to enact laws affecting the rights, privileges or duties of said company; and a majority of the directors of said company shall always be citizens of this state, and said company shall always keep their office and books in this state.

—may purchase certain lines of railway.

—not to exonerate company from duties, liabilities, &c.

Majority of directors shall be citizens of this state.

Right of property, &c., in Penobscot Railroad Co. vested in European and North American Railway.

SECT. 5. Whereas the European and North American Railway Company has acquired the rights, franchises, road-bed, right of way, and all other property of the Penobscot Railroad Company, it is hereby enacted, that said European and North American Railway Company shall have the right to enjoy the property, road-bed, rights of way, and the rights in land purchased by said Penobscot Railroad Company for road-bed, depots and other corporate purposes, and all rights of said Penobscot Railroad Company incipient or perfect, of locating and establishing its road on lands of other persons, and all its road-bed, rock cuttings, excavations, embankments, gradings, bridges, piers, abutments, or other structures or works, as an inherent part of its own franchise and property; and the location of the line of the European and North American Railway Company, made or to be made over and upon the line of said Penobscot railroad as built, shall not give any new claim of damages to the owners of lands, whose property was taken by the location of Penobscot railroad, in all cases where said Penobscot Railroad Company has paid the land damages, prior to any

use thereof by said European and North American Railway Company; the rights and properties held by said Penobscot Railroad Company shall hereafter be vested in said European and North American Railway Company, and shall remain in full force and efficiency unannulled and unimpaired, by any subsequent defeat, or dissolution of the Penobscot Railroad Company, whether by limitation of the time in which the road should be completed, or by any other means. And all bonds of the Penobscot Railroad Company taken up for a valuable consideration, and held by the European and North American Railway Company, shall be valid in the hands of said railway company as holders thereof, as a basis of title, but for no other purpose; and no bond of said Penobscot Railroad Company shall be negotiable for any other purpose after the expiration of the charter of said company, or of any validity, other than for the purpose above set forth. Nor shall said European and North American Railway Company be in any manner liable for any debt of said Penobscot Railroad Company on account of the purchase thereof as aforesaid. And the directors of the Penobscot Railroad Company, may execute any other and further instrument of lease, transfer or other conveyance to said European and North American Railway Company to carry into effect the intentions and purposes of this act. And the proceedings of the two corporations aforesaid are hereby declared valid, in case of their approval by the stockholders of the two corporations. And section eighteen of an act approved August second, eighteen hundred and forty-seven, entitled "an act to establish the Bangor and Orono Railroad," which title was, by an additional act approved August twenty-first, eighteen hundred and fifty, changed to the Penobscot Railroad Company, be and the same is hereby repealed, and any transfer of its road-bed, right of way, or other property, or of its powers, privileges and immunities by said corporation, by lease or sale to the European and North American Railway Company, which transfer, made, or to be made, is hereby authorized, shall not operate to extinguish said Penobscot Railroad Company or to annul its charter; but it shall be regarded as still subsisting so far as its continuance for the purpose of upholding any right, title or interest, power, privilege or immunity, ever possessed, exercised or enjoyed by it, may be necessary for the protection of the European and North American Railway Company, its exercise of the powers, and its enjoyment of the privileges and immunities so transferred, being suspended, so long as the European and North American Railway Company shall exercise and enjoy them.

Sect. 6. The European and North American Railway Company shall be at all times subject to such general laws in relation to railroads, as have been or may be hereafter enacted by the legislature of this state.

Bonds of Penobscot Railroad Co. valid in hands of E. and N. A. Railway Co.

E. and N. A. Railway Co. not liable for debts of P. R. R. Co.

Directors of P. R. R. Co., further powers of.

Proceedings declared valid.

Acts of incorporation repealed.

P. R. R. Co., charter subsisting for certain purposes.

E. and N. A. R. Co., subject to general laws.

CHAP. 322.

Bridge across
Kenduskeag
stream,
relating to the
building of.

SECT. 7. In the construction of a bridge across the Kenduskeag stream, the said railway shall conform to such plans and regulations for the building of said bridge and of two draws or a pivot draw, for the passage of vessels through said bridge, and for the future management thereof at the expense of the company, as shall be prescribed by the board of railroad commissioners.

Releasing a
portion of
lands, &c., not
to impair
location.

SECT. 8. In all cases where the said European and North American Railway Company has taken six rods in width by the location of their line, and have or may hereafter release a portion of the lands, wharves or flats so taken, such release shall not impair their location, though a less width than six rods is retained for the use of said railway.

Time of build-
ing road,
limited.

SECT. 9. If the line of the European and North American Railway Company is not built to Lincoln within three years from the date of the approval of this act, and completed to the boundary of New Brunswick within the time limited therefor by law, December thirty-one, eighteen hundred and seventy, this act and the charter of said company shall be null and void.

SECT. 10. This act takes effect on its approval by the governor.

Approved February 20, 1864.

Chapter 322.

An act extending the charter of the Thomaston Marine and Fire Insurance Company.

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

Charter
extended two
years to close
its concerns.

SECT. 1. The said company shall continue in its corporate capacity for and during the term of two years from the time this act shall take effect, for the sole purpose of collecting all debts due the corporation, selling and conveying the property and estate thereof, and for the transaction of any, and all business, for the purposes aforesaid, and shall remain liable for the payment of all debts due from the same, and shall be capable of prosecuting and defending suits at law.

Authorized to
sell property
of company.

SECT. 2. The president of the company, or any agent of said company is hereby duly authorized to sell and convey the property and estate thereof; and all conveyances of property or estate so made, or that may be made, shall be valid; and after the payment therefrom of all debts due from the same, the residue of the said corporate property, if any, shall be distributed, pro rata, among the stockholders thereof, according to their respective shares therein.

—balance after
paying debts,
how disposed
of.