

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1864.

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1864.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1864.

Chapter 395.

CHAP. 395.

An act to amend an act to establish a police court in the city of Rockland.

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

SECT. 1. Section one of said act shall be amended by adding at the end thereof, *Said police court shall be a court of record with a seal to be affixed to all original processes issued therefrom.*

Act to establish, amended. Court shall be a court of record.

SECT. 2. Section eight of said act shall be amended by striking out all after the word "over" in the second line of said section and inserting, *to the treasurer of the city of Rockland, and said treasurer shall annually pay to the county treasurer of the county of Knox, any excess so received by him above the amount paid by said city for salary of said judge and other expenses of said police court.*

Act further amended.

SECT. 3. This act shall take effect when approved by the governor.

Approved March 23, 1864.

Chapter 396.

An act to incorporate the Brewer Branch Railroad Company.

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

SECT. 1. Joshua Chamberlain, Ambrose C. Wilson, Joab W. Palmer, Deodat Brastow, George M. Weston, Rufus Dwinel, Samuel H. Dale and Charles E. Dole, their associates, successors and assigns, are hereby constituted and made a body corporate and politic, by the name of the Brewer Branch Railroad Company, and by this name may sue and be sued, plead and be impleaded, and shall have and enjoy all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges and in the performance of the duties hereinafter granted and enjoined, and to prevent all invasion thereof or interruptions in exercising and performing the same, and the said corporation is authorized and empowered to locate, construct and finally complete, alter and keep in repair, a branch railroad, with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, drains and all other necessary appendages, from some point in Bangor, at or above Treat's Falls, so called, between Bangor and Brewer, and across said falls between Bangor and Brewer, with right to build a bridge across said falls, and to connect with the European and North American Railroad Company, in said Bangor; thence to follow down the shore of Penobscot river, to and along the wharves and wharf privileges below the Bangor bridge

Corporators.

Corporate name.

Rights at law.

Location and construction, &c., authorized.

To connect with the E. and N. A. R. R. Co.

CHAP. 896.

Powers,
privileges, &c.May purchase
or take land,
materials, &c.

Proviso.

Further
proviso.
Compensation
for damages.—if parties
shall not agree,
how deter-
mined.Land, how
held.Damages,
application for,
limited.If no applica-
tion, &c., is
made, owners
remedy.May construct
docks, &c.Bridge over
river, how
constructed,
&c.May sell or
lease its line to
E. and N. A.
Railway Co.

to Brewer village; and said corporation is hereby invested with all the powers, privileges and immunities, which are or may be necessary to carry into effect the purposes and objects of this act as herein set forth; and for this purpose, said corporation shall have the right to purchase, or to take and hold so much of the land and real estate of private persons and corporations as may be necessary for the location, construction and convenient operation of said railroad and branches; and they shall also have the right, in building of said bridge, to unite with any other corporation authorized to construct a dam at Treat's Falls, and to construct such branch lines of railway as may be necessary to carry into effect the objects and purposes of the company under this charter; and they also shall have the right to take, remove and use for the construction and repair of said railroad and appurtenances, any earth, gravel, stone or other materials on or from the land so taken; *provided however*, that this land so taken shall not exceed six rods in width except where greater width is necessary for the purposes of excavation or embankment; *and provided also*, that in all cases said corporation shall pay for such lands, estate or materials so taken and used, such price as they and the owner or respective owners thereof may mutually agree upon; and in case said parties shall not otherwise agree, the said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county of Penobscot, in the same manner and under the same conditions and limitations as are by law provided in the case of damages by the laying out of highways; and the land so taken by said corporation shall be held as lands taken and appropriated for highways. And no application to said commissioners to estimate said damages shall be sustained unless made within three years from the taking of such land or other property; but in case no application is made to said commissioners or no adjudication by them made, any land owner may be entitled to any further remedies as provided in chapter fifty-one of the revised statutes relating to railroads. And said corporation may construct docks and extend wharves into the Penobscot river for the purpose of their company in a manner not to injure or obstruct the navigation of said river as heretofore used and enjoyed; in the construction of the bridge across the Penobscot river, said company shall have a way for the passage of logs, lumber and rafts, safe and convenient, and keep the same in repair and open, free of toll, at their own expense, and to be subject to the laws of the state relative to fish ways. The said corporation may sell or lease its line and all its improvements to the European and North American Railway Company, which latter company is hereby authorized to enter into such contract of sale or lease, and the directors of the

two corporations may enter into such contract for the running of the road and for the purchase, sale or lease thereof, as the directors of the two companies, in the exercise of their best judgment and discretion may deem for the advantage of their respective corporations, subject to the approval of the stockholders in each corporation.

SECT. 2. The capital stock of said corporation shall consist of not less than one thousand nor more than ten thousand shares, and the immediate government and direction of the affairs of said corporation shall be vested in three, five or seven directors, who shall be chosen by the members of said corporation, in manner hereinafter provided, and shall hold their office until others shall have been duly elected and qualified to take their place, a majority of whom shall form a quorum for the transaction of business, and they shall elect one of their number to be president of the corporation, and shall have authority to choose a clerk who shall be sworn to a faithful discharge of his duty, and a treasurer who shall be sworn, and also give bonds to the corporation, with sureties to the satisfaction of the directors, in a sum not less than ten thousand dollars, for the faithful discharge of his trust; and for the purpose of receiving subscription to the said stock, books shall be opened under the direction of the persons named in the first section of this act, at such time as they may determine, in the city of Bangor, and elsewhere, as they shall appoint, to remain open for five successive days at least, of which time and place of subscription, public notice shall be given in one of the newspapers printed in the city of Bangor, ten days before the opening of such subscription; and any three of the persons named in the first section of this act, are hereby authorized to call the first meeting of said corporation, for the choice of directors and organization, by giving notice in one or more newspapers published as before named, of the time and place and purposes of such meeting, at least fourteen days before the time mentioned in such notice.

Capital stock.
Shares.
Government to be vested in a board of directors.

President, election of.

Clerk.

Treasurer.

Books for subscription, when opened, &c.

Notice, how given.

First meeting, how called.

SECT. 3. When said corporation shall take any land or other estate as aforesaid, of any infant, person *non compos mentis*, or feme covert, whose husband is under guardianship, the guardian of such infant or person *non compos mentis*, and such feme covert, with the guardian of her husband, shall have full power and authority to agree and settle with said corporation for damages, or claims for damages by reason of taking such land and estate as aforesaid, and give good and valid releases and discharges therefor.

Land taken of infant, &c., damages by whom settled.

SECT. 4. The president and directors for the time being, are hereby authorized and empowered by themselves or their agents, to exercise all the powers herein granted to the corporation for the purpose of locating, constructing and completing said railroad and for the transportation of persons, goods and property of all descrip-

President and directors, powers and duties of.

CHAP. 396.

May purchase, hold land, materials, &c.

May make assessments.

Notice, how given.
If neglect to pay, proceedings in case of.

Shares of delinquent subscribers, how disposed of.

Proviso.

Toll granted. Transportation, construction, &c.

Connection with other roads, regulation of, &c.

tions, and all such power and authority for the management of the affairs of said corporation as may be necessary and proper to carry into effect the objects of this grant; to purchase and hold land, materials, engines and cars, and other necessary things in the name of the corporation for the use of said road, and for the transportation of goods and property of all description, to make such equal assessment from time to time on all the shares in said corporation as they may deem expedient and necessary in the execution and progress of the work, and direct the same to be paid to the treasurer of this corporation. And the treasurer shall give notice of all such assessments, and in case any subscriber or stockholder shall neglect to pay any assessment on his share or shares for the space of thirty days after such notice is given as shall be prescribed by the by-laws of said corporation, the directors may order the treasurer to sell such share or shares at public auction, after giving such notice as may be prescribed as aforesaid to the highest bidder, and the same shall be transferred to the purchaser, and such delinquent subscriber or stockholder shall be held accountable to the corporation for the balance, if his share or shares shall sell for less than the amount of the assessments due thereon, with the interest and costs of sale, and shall be entitled to the overplus if his share or shares shall sell for more than the assessments due with interest and costs of sale; *provided however*, that no assessment shall be laid upon any shares in said corporation of a greater amount in the whole than one hundred dollars.

SECT. 5. A toll is hereby granted and established for the sole benefit of said corporation, upon all passengers and property of all descriptions which may be conveyed or transported by them upon said road at such rate as may be agreed upon and established from time to time by the directors of said corporation. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the rights of roads, and all other matters and things in relation to said road, shall be in conformity with such rules, regulations and provisions as the directors from time to time prescribe and direct.

SECT. 6. The legislature may authorize any other company or companies to connect any other railroad or railroads with the railroad of said corporation, at any point or points on the route of said railroad. And said corporation shall receive and transport all persons, goods and property of all descriptions, which may be carried and transported to the railroad of said corporation, on such other railroads as may hereafter be authorized to connect therewith, at the same rates of toll and freight, as may be prescribed by said corporation, as the general rates of freight and toll on said railroad, received for freight and passengers at any of the deposits of said corporation.

SECT. 7. If said railroad in the course thereof, shall cross any private way, the said corporation shall so construct said railroad as not to obstruct the safe and convenient use of such private way ; and if said road shall in the course thereof cross any canal, railroad or highway, the said railroad shall be so constructed as not to obstruct the safe and convenient uses of such canal, highway or such other railroad, and the said corporation shall have power to raise or lower such highway or private way so that the said railroad if necessary, may conveniently pass over or under the same, and erect such gate or gates thereon, as may be necessary for the safety of travellers on said railroad, highway or private way, and shall keep all bridges and embankments necessary for the same in good repair.

Private ways, crossing of.

Canals, &c., crossing of.

SECT. 8. Said railroad corporation shall erect and maintain, substantial, legal and sufficient fences on each side of the land taken by them for their railroad, where the same passes through improved or enclosed lands, or lands that may hereafter be improved or enclosed.

Fences.

SECT. 9. The said corporation shall at all times, when the postmaster general shall require it, be holden to transport the mail of the United States from and to such place or places on said road as may be required, for a reasonable compensation ; and in case the corporation and the postmaster general shall be unable to agree upon the compensation aforesaid, the legislature of the state shall determine the same ; and the said corporation, after they shall commence the receiving of tolls, shall be bound at all times to have said railroad in good repair, and a suitable number of efficient engines, carriages and vehicles for transportation of persons and articles, and be obliged to receive at all proper times and places, and carry the same, when the appropriate tolls therefor shall be paid or tendered ; and a lien is hereby created on all articles transported for said tolls, and said corporation fulfilling on its part, all and singular the several obligations by this section imposed and enjoined upon it, shall not be held or bound to allow any engine, locomotive, cars, carriages or other vehicles for the transportation of persons or merchandise, to pass over said railroad, other than its own, furnished and provided for that purpose, as herein enjoined and required ; *provided however*, that said corporation shall be under obligation to transport over said road the passenger and other cars of any other incorporated company, that may hereafter construct a railroad connecting with that hereby authorized, such other company being subject to all the provisions of the fifth and sixth sections of this act, as to rates of toll, and all other particulars enumerated in said sections.

Mail, transportation of.

In case of disagreement, how determined.

Shall keep road in good repair, &c.

—and transport passengers, &c.

Lien created, for payment of toll.

Cars, &c., of other roads, &c.

Proviso.

SECT. 10. If any person shall wilfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriages

Malicious mischief, trespass, &c.

CHAP. 396. on such railroad, or in any way spoil, injure or destroy said railroad, or any part thereof, or anything belonging thereto, or any materials or implements to be employed in the construction of, or for the use of said road, he, she or they or any person or persons assisting, aiding or abetting such trespass, shall forfeit and pay to said corporation, for every such offence, treble such damages as shall be proved before the justice, court or jury before whom the trial shall be had, to be sued for before any justice, or in any court proper to try the same, by the treasurer of the corporation, or other officer whom they direct, to the use of said corporation; and such offender or offenders shall be liable to indictment by the grand jury of the county within which trespass shall have been committed, for any offence or offences contrary to the above provisions; and upon conviction thereof before any court competent to try the same, shall pay a fine not exceeding five hundred dollars, to the use of the state, or may be imprisoned for a term not exceeding five years, at the discretion of the court before whom such conviction may be had.

Forfeiture, &c.

—how recovered.

Liable to indictment.

Accounts, how kept.

Shall be open to inspection of governor and council.
Annual exhibit.

Property, where taxable, &c.

Subject to general laws.

Annual meeting, where held.

Directors, when and how chosen.

Special meetings.

SECT. 11. Said corporation shall keep in a book kept for that purpose a regular account of all their disbursements, expenditures and receipts, and the books of said corporation shall at all times be open to the inspection of the governor and council and of any committee duly authorized by the legislature; and at the expiration of every year the treasurer of said corporation shall make an exhibit under oath, to the legislature, of the profits derived from the income of said road.

SECT. 12. All real estate purchased by said corporation for the use of the same, under the fourth section of this act, shall be taxable to said corporation by the several cities and towns in which said lands lie, in the same manner as lands owned by private persons, and shall in the valuation lists be estimated the same as lands owned by adjacent proprietors, of the same quality in such city or town, and not otherwise, and the shares owned by the respective shareholders shall be deemed personal estate, and be taxable as such, to the owners thereof, in the places where they reside and have their homes.

SECT. 13. This corporation 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.

SECT. 14. The annual meeting of the members of said corporation shall be holden on the first Monday in January, or such other day as shall be determined by the by-laws, at such time and place as the directors for the time being shall appoint, at which meeting the directors shall be chosen by ballot, each proprietor by himself or proxy being entitled to as many votes as he holds shares; and the directors are hereby authorized to call special meetings of the

stockholders, whenever they deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

SECT. 15. The legislature shall at all times have the right to inquire into the doings of the corporation and into the manner in which the privileges and franchises herein and hereby granted may have been used and employed by said corporation; and to correct and prevent all abuses of the same, and to pass any laws imposing fines and penalties upon said corporation which may be necessary more effectually to compel a compliance with the provisions, liabilities and duties hereinbefore set forth and enjoined, but not to impose any other or further duties, liabilities or obligations.

SECT. 16. If the said corporation shall not have been organized, and the location according to actual survey of the route, filed with the county commissioners of the county of Penobscot on or before the first day of January, in the year of our Lord one thousand eight hundred and sixty-eight, or if the said corporation shall fail to complete said railroad on or before the first day of January, in the year of our Lord one thousand eight hundred and sixty-nine, in either of the above mentioned cases, this act shall be null and void.

SECT. 17. This act takes effect on its approval by the governor.

Approved March 24, 1864.

CHAP. 397.

Legislature,
right to investigate doings of
corporation.

Time for organizing, &c.,
limited.

Chapter 397.

An act to incorporate the Penobscot County Fair Ground Company.

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

SECT. 1. William P. Wingate, L. I. Morse, Samuel P. Strickland, David Bugbee, Charles E. Dole, James H. Butler, Thomas Hersey, Orin M. Shaw, James O'Donohue, Caleb Billings, James Littlefield, John S. Chadwick, John Wyman, William D. McLaughlin, Waldo T. Pierce, Josiah C. Mitchell, John M. Lord, Thomas J. Wetherbee, Albert Noyes, Jefferson Chamberlain, their associates and successors, are hereby incorporated under the name of the Penobscot County Fair Ground Company, with all the rights and privileges, and subject to all the duties and liabilities of similar corporations.

Corporators.

Corporate
name.
Rights,
privileges, &c.

SECT. 2. Said company may hold by purchase or lease, real and personal property to the extent of fifty thousand dollars, for the purpose of fitting up a public ground at Bangor, to be let for out door

May hold real
and personal
estate.