

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1867.

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

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1867.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1867.

SECT. 25. All acts and parts of acts inconsistent with this act are hereby repealed, from and after the time when this act shall have been accepted as aforesaid, and the government shall have been organized as herein provided.

CHAP. 216.
Inconsistent
acts repealed.

SECT. 26. This act shall take effect when approved by the governor, so far as to authorize its submission to the legal voters of the town of Saco in the manner prescribed in section twenty-four, and when accepted by said voters shall be in full force and effect.

This act, when
to take effect.

Approved February 5, 1867.

Chapter 216.

An act to incorporate the Houlton Branch Railroad Company.

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

SECT. 1. James C. Madigan, George B. Page, Ebenezer Woodbury, Leonard Pierce, Rufus Mansur, Benjamin L. Staples, A. P. Heywood, Charles P. Tenney, S. H. Hussey, Almon H. Fogg, Theodore Carey, Francis Barnes and Charles M. Herrin, their associates, successors and assigns, are hereby made and constituted a body politic and corporate, by the name of the Houlton Branch Railroad Company, and by that name may sue and be sued, plead and be impleaded, and shall enjoy all proper remedies at law or 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 to prevent all invasion thereof, or interruption in exercising and performing the same. And the said corporation is hereby authorized and empowered to locate and construct, and finally complete, alter and keep in repair, a railroad, with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from some point in the town of Houlton to some point on the east line of the state. And said corporation shall be and hereby is 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 take and hold, or to purchase, so much of the land and other real estate of private persons and corporations as may be necessary for the location, construction and convenient operation of said railroad; and shall also have the right to take, remove and use, for the construction and repair of said road and appurtenances, any earth, gravel, stone, timber or other materials, on or from the land so taken; *provided however*, the land so taken shall not exceed six rods in width, except where

Corporators.

Name, powers,
duties, &c.

Purpose and
location.

Rights as to
lands, &c., for
construction of
road.

Limit of width .

CHAP. 216.

Land damages,
how and by
whom deter-
mined.

How held and
limit as to
application.

Removal of
trees and
compensation
therefor.

Provisions of
chap. 51, R. S.,
and chap. 36,
public laws
1858, made
applicable
hereto.

Capital.

Government.

Officers.

Organization.

By-laws.

greater width is necessary for the purpose of excavation and embankment. *And provided also*, in all cases said corporation shall pay for such lands, estate or materials, such price as they and the respective owner or owners thereof may mutually agree upon ; and in case said parties shall not otherwise agree, then said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county of Aroostook, in the same manner and under the same conditions as are by law provided in the case of laying out 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 time of taking such lands and other property ; and in case said railroad shall pass through any woodland or forests, the said company shall have the right to remove or fell any of the trees standing thereon within four rods from such road, which by their liability to be blown down, or from their natural falling, might obstruct or impair said railroad, by paying a just compensation therefor, to be recovered in the same manner as is provided for the recovery of the other damages recovered in this act. And furthermore, said corporation shall have all the powers, privileges and immunities, and be subject to all the duties and liabilities, provided respecting railroads in chapter fifty-one of the revised statutes, not inconsistent with the express provisions of this charter, and subject also to all the provisions of chapter thirty-six of the laws of eighteen hundred fifty-eight, relating to the safety and convenience of travellers on railroads.

SECT. 2. The capital stock of said corporation shall consist of not less than two hundred and fifty shares, nor more than one thousand shares ; and the immediate government and direction of the affairs of said corporation shall be vested in five, seven or nine directors, who shall be chosen by the members of said corporation in the manner hereinafter provided, and shall hold their offices until others shall have been duly elected and qualified to take their places, a majority of whom shall be a quorum for the transaction of business ; and they shall elect one of their number to be president of the board, and he shall be also president of the corporation, and shall have authority to choose a clerk, and a treasurer who shall give bonds to the corporation in the sum of ten thousand dollars for the faithful discharge of his trust. And any ten of the persons named in the first section of this act are hereby authorized at a meeting holden for that purpose, with or without notice, to accept this act and organize the said corporation.

SECT. 3. Said corporation shall have power to make, ordain and establish all necessary by-laws and regulations consistent with the constitution and the laws of this state, for their own government,

and for the due and orderly conducting of their affairs and the management of their property. CHAP. 216.

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 descriptions, and all such power and authority for the management of the affairs of the 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 persons, goods and property of all descriptions; to make such equal assessments from time to time on all the shares in said corporation, as they may deem necessary and expedient in the execution and progress of the work, and direct the same to be paid to the treasurer of the 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 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 assessments shall be laid upon any share 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 direction of said corporation. The transportation of persons and property, the construction of wheels, the form of cars and carriages, the weight of loads, and all other matters and things in relation to said road, shall be in conformity with such rules, regulations and provisions as the directors shall from time to time prescribe and direct.

SECT. 6. The annual meeting of the members of said corporation shall be holden on the first Monday of November, 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

Powers of officers as to location, construction, transportation and general management.

Assessments, by whom and how made.

Sale of shares for non-payment of assessments, how made, and regulations as to same.

Limit of assessments.

Tolls.

Transportation, rolling stock, &c.

Meetings.

CHAP. 217. 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 shall deem it expedient and proper, giving such notice as the corporation, by their by-laws, shall direct.

Connections,
lease, &c.

SECT. 7. The corporation is hereby invested with power to make connections with any other road or roads, and on such terms as the members may deem expedient and proper; and it is hereby authorized to lease the road, either before or after it shall have been completed, on such terms and for such time as the members, at a meeting regularly called for that purpose, shall determine.

Approved February 6, 1867.

Chapter 217.

An act relative to fish-weirs on the flats between Great and Little Deer Island.

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

Corporators,
purpose and
location.

George W. Hardy, George C. Hardy, William P. Scott, William H. Reed, William Torrey and Franklin Closson, are hereby authorized to erect a fish weir on the flats in the waters between Great Deer Island and Little Deer Island, in the town of Deer Isle, in Hancock county; *provided* that such weir shall be so constructed as not to interfere with the navigation of said waters, and that poles shall be placed on said weir in an upright position, to be not less than ten feet above the tide at high water, with suitable signals thereon.

Conditions.

Approved February 6, 1867.

Chapter 218.

An act to incorporate the Dirigo Sewing Machine Company.

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

Corporators.

SECT. 1. That Robert Thompson, James S. McCurdy and Lorenzo D. Cooke, their associates, successors and assigns, be and they are hereby created a corporation by the name of the Dirigo Sewing Machine Company, for the purpose of manufacturing sewing machines and also of engaging in such other branches of trade and manufacture as may be necessarily and conveniently connected

Name and
purpose.