

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,
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1867.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1867.

CHAP. 252. for the protection thereof, and shall fix his compensation. He shall continue in office till another is appointed in his place, subject to removal at any time by the appointing power.

Provision as to
tolls advanced.

SECT. 5. The Augusta Free Bridge Company shall not be liable to refund any money paid to them for toll over said bridge, in advance, for the time that shall not have expired when the property is conveyed to the city.

SECT. 6. All acts and parts of acts inconsistent with this act are hereby repealed; and this act shall take effect when approved by the governor.

Approved February 11, 1867.

Chapter 252.

An act to incorporate the Portland and Ogdensburg Railroad Company.

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

Corporators.

SECT. 1. John B. Brown, T. C. Hersey Thomas H. Weston, Horatio N. Jose, Samuel E. Spring, Josiah H. Drummond, Henry A. Jones, George W. Woodman, George F. Shepley, Israel Washburn junior, A. K. Shurtleff, Charles Q. Clapp, St. John Smith, John Lynch, Jonas H. Perley, Charles H. Haskell, M. G. Palmer, W. F. Milliken, M. N. Rich, Henry Fox, Richard D. Rice, R. B. Dunn, Samuel F. Hersey and George K. Jewett, their associates, successors and assigns, are hereby made and constituted a body

Name, powers,
&c.

corporate and politic, by the name of the Portland and Ogdensburg 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 invasions thereof, or interruptions in exercising and performing the same; and the said corporation is hereby authorized and empowered to locate, 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 city of

Purpose.

Portland, or from some point upon the line of any railroad, in the counties of Cumberland or York, extending northerly or westerly from said city, to such place upon the west line of the state, as may be found expedient for the purpose of forming a connection with a railroad to be constructed from such place, westerly or

Location.

northwesterly to the east line of the State of Vermont; and said

corporation shall be and hereby are 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 the real estate of private persons and corporations as may be necessary for the location, construction and convenient operation of said railroad and branch; and they shall also have the right to take, remove and use for the construction and repair of said railroad and appurtenances, any earth, gravel, stone, timber or other materials on or from the land so taken; *provided however*, this said 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 where such land or other property may be situated, 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 time of taking such land or other property; and in case such railroad shall pass through any woodland or forests, the said company shall have a right to fell or remove any trees standing therein within four rods of 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 provided for the recovery of other damages in this act.

May take lands for construction of road.

Limit of width and provisions as to compensation.

Land damages, how and by whom determined.

Limit as to application for same.

Removal of trees and compensation therefor.

SECT. 2. The capital stock of said corporation shall consist of not less than one thousand nor more than twenty thousand shares, and the immediate government and direction of the affairs of said corporation shall be vested in nine directors, who shall be chosen by the members of said corporation, in the 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 the 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

Capital.

Government.

CHAP. 252.

Stock subscriptions, by whom, where and how opened.

faithful discharge of his trust; and for the purpose of receiving subscriptions to the said stock, books shall be opened under the direction of the persons named in the first section of this act, at such times as they may determine, in the city of Portland 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 newspaper printed in each of the counties of Cumberland and York ten days before the opening of such subscriptions; and any seven 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.

Organization.

Powers of guardians in settlement of land damages.

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.

Powers of directors as to construction and management of road.

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 purposes of locating, constructing and completing said railroad and branch, and for the transportation of persons, goods and property of all descriptions, and all such powers 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 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 or 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

Assessments on shareholders.

Sale of shares for non-payment of same.

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 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.

Conditions as to same.

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 rates 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 shall from time to time prescribe and direct.

Tolls, transportation, rolling stock, &c.

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 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 be hereafter authorized to be connected therewith, at the same rates of toll and freight as may be prescribed by said corporation, so that the rates of freight and toll of such passengers and goods and other property as may be received from such other railroads so connected with said road as aforesaid, shall not exceed the general rates of freight and toll on said railroad, received for freight and passengers at any of the deposits of said corporation.

Connections and regulation for same.

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 railroad shall in the course thereof, cross any canal, railroad, or the highway, the said railroad shall be so constructed as not to obstruct the safe and convenient uses of such canal or highway ; 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.

Crossings.

CHAP. 252.

Fences.

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 enclosed or improved lands, or lands that may be hereafter improved.

Mails.

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 fair and 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 sufficient number of suitable 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 and duties by this section imposed and enjoined upon it, shall not be held or bound to allow any engine, locomotive, cars, carriages or other vehicle, 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 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.

Repairs and facilities for transportation.

Liens.

Conditions regarding transportation for other roads.

Malicious trespass and penalties therefor.

How and where enforced and recoverable.

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

visions ; 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.

SECT. 11. Said corporation shall keep in a book, 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 railroad.

Accounts to be open to inspection.

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, towns and plantations in which said land lies, in the same manner as lands owned by private persons, and shall, in the valuation list, be estimated the same as other adjacent lands of the same quality in such city, town or plantation, and not otherwise ; and the shares owned by the respective stockholders, shall be deemed personal estate, and be taxable as such, to the owners thereof, in the places where they reside and have their homes. And whenever the net income of said corporation shall have amounted to ten per centum per annum upon the cost of the road, and its appendages and incidental expenses, the directors shall make a special report of the fact to the legislature, from and after which time, one moiety, or such other portion as the legislature may, from time to time, determine, of the net income of said railroad, accruing thereafter over and above ten per centum per annum first to be paid to the stockholders, shall annually be paid over to the treasurer of said corporation, as a tax in the treasury of the state, for the use of the state ; and the state may have and maintain an action against said corporation therefor, to recover the same ; but no other tax than herein is provided, shall ever be levied or assessed on said corporation or any of their privileges or franchises.

Taxes.

Income, how applied.

SECT. 13. 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 hold 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.

Meetings.

CHAP. 253.Powers of
legislature.

SECT. 14. The legislature shall, at all times, have the right to enquire 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.

Limit of time
for location and
construction.

SECT. 15. 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 counties through which the same shall pass, on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy, or if the said corporation shall fail to complete said railroad to the west line of the state on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-three, in either of the above mentioned cases this act shall be null and void.

SECT. 16. This act shall take effect when approved by the governor.

Approved February 11, 1867.

Chapter 253.

An act to authorize the First Congregational Society in Orono to move, alter and repair their meeting-house.

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

Committee.

SECT. 1. That Nathaniel Wilson, Gideon Mayo, James Webster, Joseph B. Chase and Nathaniel W. Bond, a committee chosen by and in behalf of the First Congregational Society in Orono, shall be and are hereby authorized to move, remodel, alter and repair the meeting-house built for the use and subject to the control of said society, in such manner as they may regard judicious and reasonable. And to defray the expense thereof, they may and hereby are authorized to apportion and assess upon the several pews, according to their value, a sum not exceeding fifteen hundred dollars. And said committee, or their successors in said office, or any three or more of their number, shall appraise said pews before any such contemplated alterations and improvements are commenced, and make a record thereof, carrying out, separately, the value of each pew, and again after all such alterations and improvements shall have been completed and make a like record thereof, and the difference or increased value of each, as deter-

Powers of
same.Assessment on
pews.Appraisal and
record of same.