

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. 379.**Chapter 379.**

An act to incorporate the Webster Fire Insurance Company.

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

- Corporators.** SECT. 1. James M. Stone, William F. Pike, Stephen S. Mitchell, Jarvis Williams, Edwin R. Wiggin, their associates, successors and assigns, are hereby created a corporation by the name of the Webster Fire Insurance Company, for the purpose of insuring any description of property, real or personal, against loss or damage by fire, originating in any cause other than design in the assured, with all the powers and privileges, and subject to all the duties, restrictions and liabilities imposed by law.
- Purposeo.**
- Capital stock.** SECT. 2. The capital stock of said company shall not be less than one hundred thousand dollars, and may at any time hereafter be increased by said company to any sum not exceeding one million dollars, and shall be divided into shares of one hundred dollars each.
- Directors, location, &c.** SECT. 3. The affairs of the company shall be managed by a board of seven directors, and the office of the company, the time and place of holding its annual and all other meetings, both of the stockholders and directors, shall be fixed by the by-laws of the company.
- Organization.** SECT. 4. Any two of the persons named in this act may call the first meeting of the company, by written notice sent by mail to each of the others, seven days, at least, before the day named in said notice, which shall specify the time and place at which said meeting shall be held. At said first meeting any legal business of the corporation may be transacted.
- SECT. 5. This act shall take effect when approved by the governor.

Approved February 28, 1867.

Chapter 380.

An act to incorporate the Belfast and Moosehead Lake Railway Company.

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

- Corporators.** SECT. 1. Ralph C. Johnson, Thomas Marshall, Albert G. Jewett, Nehemiah Abbott, Joseph Williamson, Jonathan G. Dickerson, Reuben Sibley, Nahum P. Monroe, Seth L. Milliken, Samuel A. Howes, Hiram Pierce, Paul R. Hazletine, Hiram O. Alden, Columbia P. Carter, Alfred W. Johnson, Charles B. Hazeltine, Axel Hayford, William M. Rust, Philo Chase, Noah Mathews, Sher-

burne Sleeper, William Pitcher, Marshall Davis, John G. Brooks, William H. Simpson, Humphrey N. Lancaster, James P. White, Albert Small, Henry McGilvery, Horatio H. Johnson, Samuel R. Palmer, William O. Poor, Willard P. Harriman, Stephen S. Lewis, Hugh J. Anderson junior, Andrew D. Bean, William T. Colburn, Richard Moody, Oakes Angier, Joseph H. Kaler, Daniel Faunce, Augustus Perry, Andrew J. Stevens, Henry Woods, Daniel Lane junior, their associates, successors and assigns, are hereby made and constituted a body politic and corporate by the name of the Belfast and Moosehead Lake Railway Company, and by that 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 the performane of the duties hereinafter granted and enjoined 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, construct and finally complete, alter and keep in repair, a railway, with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from the city of Belfast, over the most practicable route to Moosehead Lake, excepting the distance from Newport village to Dexter village. 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 purchase, or to take and hold 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 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*, that said land so taken shall not exceed six rods in width, except where greater width is necessary for the purpose 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 on; and in case said parties shall not agree, then 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 public highways. And no application to said commissioners to estimate

Name, rights,
&c.

Location, &c.

Route.

Lands, right of
construction,
&c.

Conditions.

Land damages,
how and by
whom deter-
mined.

Limit of time
for making
application for
same.

CHAP. 380.

Removal of trees and compensation for same.

Provisions of chap. 81, R. S. made applicable hereto.

Powers of guardians relative to land damages.

Capital stock and shares.

Directors and term of office.

President, clerk and treasurer.

Stock books, by whom and where opened for subscriptions.

said damages shall be sustained unless made within three years from the time of taking such lands or other property; and in case such railroad shall pass through any woodlands or forests, the said company shall have the right to fell or remove any trees standing therein, within four rods of such road, which from 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 other damages mentioned 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 and prescribed respecting railroads in chapter eighty-one of the revised statutes, not inconsistent with the express provisions of this act.

SECT. 2. When said corporation shall take any land or other property, 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 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 or other property as aforesaid, and give good and valid releases and discharges therefor.

SECT. 3. The capital stock of said corporation shall consist of not less than five nor more than fifty thousand shares of one hundred dollars each; and the immediate government and direction of the affairs of said corporation shall be vested in seven, nine or thirteen 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 form a quorum for the transaction of business; and they shall elect one of their number to be president of the board, who shall also be the 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 fifty thousand dollars, for the 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 eleven persons first named in the first section of this act, at such time as they may determine, in the towns of Waterville and Dexter, and in the cities of Belfast, Bangor and Boston, and elsewhere as they shall appoint, to remain open for twenty successive days, of which time and place of subscription, public notice shall be given in some newspaper printed in Belfast, Bangor and Boston, twenty days at least previous to the opening of such subscription; and in case the amount subscribed shall exceed fifty thousand shares, the same

shall be distributed among all the subscribers, according to such regulations as the persons having charge of the opening of the subscription books shall prescribe before the opening of said books. And the eleven persons first named in the first section of this act, are hereby authorized to call the first meeting of said corporation, by giving notice in one or more newspapers published in each of the cities above named, of the time and place and the purposes of such meeting, at least twenty days before the time mentioned in such notice.

Organization.

SECT. 4. Said corporation shall have power to make, ordain and establish all necessary by-laws and regulations, consistent with the constitution and laws of this state, for their own government and for the due and orderly conducting of their affairs, and the management of their property.

By-laws and regulations.

SECT. 5. 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 its appendages, 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 lands, materials, engines and cars, and other necessary things in the name of the corporation, for the use of said road and its appendages, 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 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.

Powers of president and directors.

Assessments.

Remedies against delinquent stockholders.

SECT. 6. 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

Toll, and rates of same.

CHAP. 380.

Transportation,
construction,
form of rolling
stock, &c., how
regulated.

upon said road and its appendages, at such rates as may be agreed upon from time to time by the directors of said corporation. The transportation of persons and property, the width of gauge, the construction of wheels, the form of cars and carriages or other instruments of conveyance, the weights of loads, and all other matters and things in relation to said road and its appendages, shall be in conformity with such rules, regulations and provisions as the directors shall from time to time prescribe and direct.

Connection.

SECT. 7. The legislature may authorize any other company or companies to connect any other railroad or railroads with the railroad of said corporation, at any points on the route of said railroad. And this company is hereby authorized to connect any railways they may construct under this charter with any other railway existing or to be constructed within this state. 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 on such passengers, goods and other property as may be received from such other railroads so connected with said railroad 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.

Crossings.

SECT. 8. If the said railroad 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 the said railroad shall in the course thereof, cross any canal, turnpike, railroad, or other highway, the said corporation shall have power to raise or lower such turnpike, highway or private way, so that the said railroad, if necessary, may conveniently pass under or over the same, and erect such gate or gates thereon as may be necessary for the safety of travellers on said turnpike, railroad, highway or private way. And said corporation shall constantly maintain and keep in good repair all bridges, with their abutments and embankments, which they may construct for the purpose of conducting their railroad over any canal, turnpike, highway or private way, or for conducting such highway, private way or turnpike over said railroad.

Bridges.

SECT. 9. If said railroad shall, in the course thereof, cross any tide waters, navigable rivers or streams, the said corporation is hereby authorized and empowered to erect, for the sole and exclusive use of their said railroad, a bridge across each of said rivers or streams, or across any such tide waters; *provided* said bridge or bridges shall be so constructed as not unnecessarily to obstruct the navigation of said waters.

SECT. 10. Said 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 hereafter be improved; and for neglect or failure to erect and maintain such fence, said corporation shall be liable to be indicted in the supreme court for the county where such fence shall be insufficient, and to be fined in such sum as shall be adjudged necessary to repair the same; and such fine shall be expended for the erection or repair of said fence, under the direction of an agent appointed by said court, as in case of fines imposed upon towns for deficiency of highways.

CHAP. 380.
Fences.

SECT. 11. 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 required, for a reasonable and fair compensation. And in case the corporation and postmaster general shall be unable to agree upon the compensation aforesaid, the legislature shall determine the same. And said corporation, after they shall commence receiving 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 the transportation of persons and articles, and be obliged to receive at all proper times and places and convey 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 the said corporation, fulfilling on its part all the 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 property to pass over said railroad or its appendages, other than its own, furnished and provided for that purpose, as herein enjoined and required.

Mails.

Duty regarding condition of road and facilities for transportation.

Exclusive right to road.

SECT. 12. If an person shall wilfully and maliciously, or wantonly and contrary to law, obstruct the passage of any carriage or other vehicle on said railroad or its appendages; or in any way spoil, injure or destroy said railroad or its appendages, or any part thereof, or anything belonging thereto, or any materials or implements to be employed in the construction or for the use of said road or its appendages, he, she or they, or any person or persons assisting, aiding or abetting said 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 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 the trespass or injury shall have

Malicious trespass and penalties therefor.

How recoverable.

Further penalties by fine and imprisonment.

CHAP. 380. been committed, 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.

Accounts, &c.,
to be open to
inspection of
state authori-
ties.

SECT. 13. 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 net profits derived from the income of said railroad and its appendages.

Taxes, &c.,
where assessed.

SECT. 14. All real estate purchased by said corporation for the use of the same under the provisions of this act, shall be taxable to said corporation by the several towns, cities and plantations in which said lands lie, in the same manner as lands owned by private persons, and shall in the valuation list, be estimated the same as other real estate of the same quality in such town, city or plantation, and not otherwise; and the shares owned by the respective stockholders after deducting such portion as shall be taxed as real estate, shall be deemed personal estate, and be taxable as such to the owners thereof in the places where they reside and have their home and not otherwise. But no other tax than herein is provided shall ever be levied or assessed on said corporation or any of their privileges or franchises.

Exemption
from other
taxation.

SECT. 15. The annual meeting of the members of said corporation shall be holden on the first Wednesday in July, 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 shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall prescribe.

Directors, how
chosen, and
authority of
same to call
meetings.

Rights and
power of
legislature.

SECT. 16. 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 herein set forth and enjoined, and subject to the general laws regulating railroads now upon the statute

book, or which may hereafter be passed by the legislature of this state. CHAP. 381.

SECT. 17. 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-two, or if the said corporation shall fail to complete said railroad on or before the thirty-first day of December, in the year of our Lord one thousand eight hundred and seventy-seven, in either of the above mentioned cases, this act shall be null and void. Limitation of charter.

SECT. 18. Said company shall not engage in, or commence the construction of said road, until fifty per centum of the estimated cost of said road shall have been subscribed for by responsible persons. Construction conditional upon subscriptions to certain amount.

SECT. 19. That the corporation shall be authorized to issue non-preferred and preferred stock, upon such terms and conditions, and to such persons and corporations, and with such limitations and restrictions as may be deemed most for the interests of the subscribers, the success of the corporation, and the completion of the road; and cities and towns interested in the construction of said road, or to be benefited thereby, may subscribe, at par value, for any amount of either class of said stock, by a vote of two-thirds of the legal voters of any such city or town, present at any meeting legally called therefor, not to exceed twenty per cent. of the amount of the valuation of such city or town; and such vote shall be obligatory on said city or town for the payment of the amount so subscribed; and said cities and towns may issue their bonds for such stock, on such time as may be agreed upon, with interest payable semi-annually, at a rate not exceeding six per cent. and for a period not exceeding thirty years, and all stock so subscribed for by said towns or cities shall be represented in said corporation by the municipal authorities thereof. Issue of stock and limitation of same.

SECT. 20. This act shall take effect when approved by the governor. Municipal subscription, authorized and regulated.

Approved February 28, 1867.

Chapter 381.

An act authorizing the sale of the Free-Will Baptist meeting-house and lot in the town of Readfield.

SECT. 1. On application of two or more pew-owners in the Free-Will Baptist meeting-house, in the town of Readfield, any justice of the peace may call a meeting of the pew-owners in said meeting-house. Meeting of pew-owners, by whom and how called.