

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

OF THE

FORTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE.

1868.

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

AUGUSTA:
OWEN & NASH, PRINTERS TO THE STATE.
1868.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1868.

CHAP. 449.

Chapter 449.

An act to fix the salary of the county attorney of the county of Knox.

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

Salary fixed
at \$300 per
annum.

SECT. 1. From and after the first day of January, in the year eighteen hundred and sixty-eight, the salary of the county attorney for the county of Knox shall be three hundred dollars, instead of the sum now provided by law, which sum shall be in full for all official services.

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

Approved February 5, 1868.

Chapter 450.

An act to incorporate the Augusta and Hallowell Railroad Company.

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

Corporators.

Corporate
name.

Route of
road, how
established.

Conditions
as to land
damages.

Municipal
officers to fix
distance of
tracks from
sidewalk.

Assent of
directors to
prescribe route
to be filed with
city clerks.

SECT. 1. H. S. Osgood, J. H. Manley, J. W. North, John S. Sayward, A. S. Washburn, J. DeWolfe Smith, George J. Wall, and Simon Page, their associates and successors, are hereby constituted a corporation by the name of the Augusta and Hallowell Railroad Company, with authority to construct, maintain and use a railroad, to be operated by horse-power, with convenient single or double tracks, from such point or points in the city of Augusta, and over such streets therein, now built or hereafter to be built, as shall from time to time be fixed and determined by the municipal officers of said city of Augusta, and assented to in writing by the directors of said corporation, to the boundary line between said city and the city of Hallowell, and thence upon and over such bridges and streets, now constructed or to be constructed in said city of Hallowell, as from time to time may be fixed by the municipal officers of said city of Hallowell, and assented to in writing by the directors aforesaid. Said corporation shall also have authority to construct, maintain and use said railroad, over and upon any lands where the land damages have been mutually settled by said corporation and the owners thereof: *provided, however,* that all tracks of said railroad shall be laid at such distances from the sidewalks of said city of Augusta and city of Hallowell as the municipal officers thereof respectively shall, in their order fixing the routes of said railroad, determine to be for public safety and convenience. The written assent of the directors aforesaid to any note or notes of the municipal officers of either of said cities prescribing from time to time the routes of said railroad shall be filed

with the respective clerks of said cities, and shall be taken and deemed to be the location thereof. Said corporation shall have power from time to time to fix such rates of compensation for transporting persons or property as it may think expedient, and generally shall have all the power and be subject to all the liabilities of corporations as set forth in the forty-sixth chapter of the revised statutes. Rails shall not be laid down in either of said cities without the assent of the municipal officers thereof respectively. The original location of the route when granted shall be for the term of twenty-five years. The same may be renewed from time to time for a term not exceeding twenty-five years at any one time, by said municipal officers, upon such terms as they may deem expedient. No such renewal shall be granted prior to two years before the expiration of the location then established. No location shall be granted or renewed except upon reasonable prior notice to all parties interested. If at the expiration of any of said terms the use of the streets, roads, or highways occupied by said company's railroad is granted by the municipal officers of either of said cities or both, to any other corporation or person, it shall be upon condition that such corporation or person shall purchase of said company all its property of every description in necessary use for the purposes of said railroad upon such terms as may be agreed upon by the parties or determined by persons selected by them, and if they are unable to agree, the value of the same shall be determined by three disinterested persons appointed by a judge of the supreme judicial court, on application of either party, and hearing thereon. Said appraisers shall be sworn, give notice of the time and place of their meeting, to examine and appraise said property, and shall make to each party a written award, and their services shall be paid in equal proportion by the parties. If the municipal officers of either of said cities determine that at the expiration of any of said terms the use of the streets, roads or highways occupied by said company's railroad, shall be granted to any person or corporation for the purposes of a horse-railroad, on the payment of any sum of money yearly, or in any other manner, said company shall have the preference, and such use shall be granted or renewed to said company; *provided* it will pay as much therefor as any other corporation or person.

SECT. 2. Said railroad shall be operated and used by said corporation with horse-power only. The municipal officers of said city of Augusta and of said city of Hallowell, respectively, shall have power at all times to make all such regulations as to the rates of speed and removal of snow and ice from the streets, roads and highways by said company, at its expense, and mode of use of the tracks of said railroad, within said cities as the public convenience and safety require.

CHAP. 450.

Tolls for transportation.

Duration of charter, and how extended.

Notice of location, &c., to be given to parties in interest.

Similar grants to other corporations conditioned upon purchase of property, &c. of this company.

How and by whom to be appraised.

Preference in renewal of charter for railroad purposes to be given to this corporation.

Proviso.

How operated.

Regulations.

CHAP. 450.

Duty of corporation in repairs of roads, &c., occupied by track.

SECT. 3. Said corporation shall keep and maintain in repair such portions of the streets, town or county roads as shall be occupied by the tracks of its railroad, and shall make all other repairs of said streets or roads which, in the opinion of the municipal officers of said cities, respectively, may be rendered necessary by the occupation of the same by said railroad, and if not repaired after reasonable notice, such repairs may be made by said cities, respectively, at the expense of said corporation; and said corporation shall be liable for any loss or damage which any person may sustain by reason of any carelessness, neglect or misconduct of its agents or servants.

Liability to damages for neglect, &c.

Penalty for malicious obstruction of track, &c.

SECT. 4. If any person shall wilfully or maliciously obstruct said corporation in the use of its road or tracks, or the passing of the cars or carriages of said corporation thereon, such person, and all who shall aid and abet therein, shall be punished by a fine not exceeding two hundred dollars, or may be imprisoned in the county jail for a period not exceeding sixty days.

Capital.

SECT. 5. The capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of fifty dollars each, and no share shall be issued for less than the par value.

SECT. 6. Said corporation shall have power to purchase and hold such real estate as may be necessary and convenient for the purposes and management of said railroad.

Municipal officers to determine grade, &c.

SECT. 7. Said railroad shall be constructed and maintained in such form and manner, and with such rail and upon such grade as the municipal officers of said city of Augusta and said city of Hallowell, respectively, shall from time to time prescribe and direct; and whenever in the judgment of said corporation it shall be necessary to alter the grade of any street, town or county road, occupied by its railroad, said alterations may be made at the sole expense of said corporation, provided the same shall be assented to by the municipal officers of said cities, respectively. If the tracks of said company's railroad cross any other railroad of any kind, in either of said cities, and a dispute arises in any way in regard to the manner of crossing, said municipal officers of the city in which said proposed crossing is to be made shall, upon hearing, decide and determine, in writing, in what manner the crossing shall be made, which shall be constructed accordingly.

Alteration of grade, &c., to be at expense of corporation.

Crossings, how fixed, &c.

Powers of municipal officers over streets not affected.

SECT. 8. Nothing in this act shall be construed to prevent the proper authorities of either of said cities, respectively, from entering upon and taking up any of the streets, town or county roads, occupied by said railroad, for any purposes for which they may now lawfully take up the same.

SECT. 9. This act shall be void unless the same shall be accepted by said corporation, and ten per cent. of the capital stock thereof be paid within five years from its passage.

CHAP. 450.

Act to be void unless accepted and ten per cent. of capital paid in five years.

SECT. 10. Said corporation is hereby authorized to issue bonds for the purpose of constructing its railroad, or for money which it may borrow for any purpose sanctioned by law, but the bonds so issued shall not exceed the amount of capital stock paid in by the stockholders. Said bonds may be issued in sums of not less than fifty dollars each, payable in not more than twenty years from their date, with interest at the rate of six per cent., payable semi-annually.

Construction bonds, limit and conditions of same.

SECT. 11. Such bonds shall be approved by a majority of the finance committee of said corporation, who shall certify that each of said bonds is properly issued and recorded upon the books of said corporation. All bonds and notes which shall be issued by said corporation shall be binding and collectable in law, notwithstanding such bonds or notes may be negotiated and sold by said corporation or its agents at less than their par value.

Bonds to be approved, certified and made binding on corporation.

SECT. 12. Said bonds shall be secured by a conveyance of the corporate property to three trustees by a suitable instrument of mortgage to secure the payment of said bonds.

How secured.

SECT. 13. Said corporation shall pay semi-annually to said trustees a sum equal to one per cent. on the amount of said bonds for the purpose of creating a sinking fund. Said trustees shall have the management and care of all moneys, funds and securities belonging to said sinking fund, and they shall from time to time, at their discretion, invest the moneys on hand securely, and so that the same shall be productive, and the same may be invested in the bonds of said corporation, secured as aforesaid, or loaned on interest to any county, city or town, or any bank in this state, or the same may be loaned on interest, well secured by a first mortgage of real estate to an amount not exceeding one-half the value thereof, or by pledge of the scrip or stock of any of the New England States, or of any city, county or town as aforesaid; and the said fund, with the accruing interest, shall constitute a sinking fund for the payment and redemption of said bonds.

Sinking fund.

How invested, &c.

How secured.

SECT. 14. The provisions of the fifty-third section of the fifty-first chapter of the revised statutes, and of the nine sections of said chapter next following, are hereby made applicable to said bonds, and to said mortgages made to secure the same; but said corporation shall not be subject to the other general provisions of the law relating to railroads.

Certain provisions of R. S. applicable to bonds and mortgages.

SECT. 15. This act shall take effect when approved.

Approved February 5, 1868.