

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FORTY-SEVENTH LEGISLATURE

OF THE

STATE OF MAINE.

1868.

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1868.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1868.

CHAP. 617. Lincoln, and may take and hold real estate at a cost of five thousand dollars, (including grounds for fairs and race-course,) and personal property to the amount of five thousand dollars.

Corporate property.

Organization, &c.

SECT. 3. The first meeting of said corporation may be called by any three of the persons named in the first section of this act, by giving such notice of the time, place and objects thereof, as they think proper; and at said meeting, the officers of said corporation may be chosen, and such other corporative business done as may be deemed proper.

SECT. 4. This act shall take effect when approved.

Approved March 6, 1868.

Chapter 617.

An act to incorporate the Penobscot Bay and River Railroad Company.

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

Corporators.

SECT. 1. William McGilvery, Isaac Carver, David Nickels, J. C. Nickels, Putnam Simonton, I. N. Harriman, Robert Porter, Robert Hichborn, Willson Hichborn, J. W. Thompson, B. M. Roberts, A. D. Griffin, N. G. Hichborn, Alexander Black, T. C. Woodman, N. T. Hill, S. P. Hale, S. B. Swasey, N. P. Monroe, H. H. Johnson, J. W. Palmer, E. K. Jewett, R. H. Hichborn, Axel Hayford, Hiram Chase, Ebenezer Knowlton, Isaac Woodman, Amos Pitcher, Vinal Hills, William Pitcher, Parker G. Eaton, Timothy B. Grant, George A. Pierce, Upton Treat, Theophilas Cushing, Alfred Black, Willard M. Griffin, B. F. Rice, C. S. Fletcher, S. I. Roberts, D. Howe, J. F. Hall, F. D. Harriman, E. K. Smart, Horatio Alden, Albert Fuller, P. J. Carlton, David Talbot, David Knowlton, Thomas Frohock, William K. Duncan, J. G. Norwood, J. B. Foster, B. S. Grant, Joseph Perry, William D. Sewall, Oliver Moses, George F. Patten, J. H. Kimball, N. A. Farwell, Francis Cobb, William McLoon, John T. Berry, their associates, successors and assigns, are hereby made and constituted a body politic and corporate, by the name of the Penobscot Bay and River Railroad 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 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 are hereby authorized and empowered to locate, construct and finally com-

Corporate name and powers.

Purpose.

plete, alter, keep in repair, a railroad with one or more sets of rails or tracks, with all suitable bridges, tunnels, viaducts, turn-outs, culverts, drains, and all other necessary appendages, from a point of connection with any railroad within the city of Rockland, in the county of Knox, and thence running northwardly through the towns of Camden, Lincolnville, Northport, Belfast, Searsport, Stockton, Prospect, Frankfort, Winterport and Hampden, to a point of connection with any railroad in the city of Bangor or any intermediate town; *provided however*, that should the Winterport railroad, so called, from Bangor to Winterport, be constructed or in process of construction so as to accommodate the travel and traffic, when the Penobscot Bay and River Road herein mentioned shall be completed and in running order from the city of Rockland to the town of Winterport, then the northerly terminus of said Penobscot Bay and River Railroad shall be in the town of Winterport, with power and authority to connect with said Winterport railroad upon such terms as may be agreed upon between said corporations, subject to the laws of this state. And it is further provided, that the Penobscot Bay and River Railroad shall not be located so as to obstruct or interfere with the track of said Winterport railroad corporation, except to cross the track of said corporation, without the consent of the Winterport railroad corporation in writing. 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 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 purposes of excavation and 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 otherwise 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

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Location.

Proviso as to Winterport R. R. and connection therewith.

Conditions as to interference with track of said road.

Corporation may purchase or take lands for construction purposes.

Proviso as to width of road and payment for lands and materials taken.

In case of disagreement land damages to be determined by county commissioners.

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Limitation of time for making application for damages.

Removal of trees and compensation to owners of same.

Capital stock.

Directors, how chosen, tenure of office, number and powers of same.

President, clerk, and treasurer.

Bonds.

Subscription books, by whom and where opened.

Public notice to be given of same.

Organization.

Guardians of certain persons empowered to settle claims for damage.

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 woodlands 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.

SECT. 2. The capital stock of said corporation shall consist of not less than one thousand nor more than six thousand shares, and the intermediate government and direction of the affairs of said corporation shall be vested in nine, eleven or thirteen 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 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 towns of Camden, Belfast, Searsport, Stockton and Winterport, 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 or more of the newspapers printed in the county of Waldo, ten days before the opening of such subscription. 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 above named, of the time and place and the purposes of such meeting, at least fourteen days before the time mentioned in such notice.

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. CHAP. 617.

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 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 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 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 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 weights 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. Other railroad companies now incorporated, or hereafter to be incorporated in this state, shall have the right to connect their railroads with the railroad of the Penobscot River and Bay Railroad Company, in the city of Bangor, or in any city or

Powers of president and directors.

May make assessments on shares and direct payment of same.

Shares of delinquent stockholders may be sold at public auction.

Delinquents accountable for balance if shares sell for less than assessments, and entitled to overplus.

Proviso.

Tolls.

Directors to establish rules, &c., for transportation, form of cars, loads, &c.

Connections and conditions of same.

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town along the line of its road ; and no discrimination in the rates of freight or passengers shall be made by said company, nor by any party who may operate its line of railroad or any part thereof, between railroads having the right to connect with its railroad as aforesaid ; but all passengers and all freights coming from or going to any other road having such right to connect, shall be transported promptly, and on terms alike favorable, by said company over its own road, or by any party operating the same, and on terms as favorable as the like service is or shall be performed for transportation commencing and terminating on the line of railroad of said company.

Obstructions
to travel and
navigation pro-
hibited.

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 in the course thereof cross any canal, railroad or other highway, the said railroad shall be so constructed as not to obstruct the safe and convenient use 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. Said corporation shall have the right to cross any tide water or navigable river with said railroad, should they come in its course, by building and maintaining suitable draws for the accommodation of navigation.

Passage of
rivers, &c.

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 when 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 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 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 said corporation fulfilling on its part, all and singular, the several obligations and duties by this

Provisions as to
repairs, faci-
lities for trans-
portation, &c.

Lien for tolls.

section imposed and enjoined, it shall not be held 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 obligations 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.

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

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 opened 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.

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

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Conditions as to use of track for locomotives and cars of other railroads.

Malicious obstructions and damages to corporate property, how punished.

Penalties.

Accounts of disbursements and receipts to be open to inspection.

Real estate of corporation, where taxable.

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Shares, where taxable.
Income and report of same.

the respective stockholders shall be deemed personal estate, and be taxable as such to the owners thereof in the places they reside and have their homes. And whenever the net income of said corporation shall have amounted to ten per cent. 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.

Meetings, annual and special, and proceedings therein.

SECT. 13. The annual meeting 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 shall deem it expedient and proper, giving such notice as the corporation by their by-laws shall direct.

Charter to be void if road is not located and completed within certain time.

SECT. 14. 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 first day of January in the year of our Lord one thousand eight hundred and seventy-one, 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 seventy-four, in either of the above mentioned cases this act shall be null and void.

Corporation may issue preferred and non-preferred stock.

SECT. 15. Said corporation is hereby 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 ten 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.

Towns may subscribe to either class of stock by two-thirds vote at legal meetings.

May issue bonds for same for period of thirty years at rate of interest not exceeding six per cent.

Rights and powers of legislature herein.

SECT. 16. 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; *provided also*, that should the Winterport railroad be constructed of such a guage as to prevent the passage of the locomotives and cars of said Penobscot Bay and River Railroad when it shall be completed and in running order to the town of Winterport, from the city of Rockland, then the said Winterport railroad shall be and hereby is authorized and empowered, and shall be held to lay a third rail to enable the locomotives and cars of said Penobscot Bay and River Railroad to pass over the said Winterport railroad, upon such terms and in such manner as may be agreed upon, by a majority vote of the directors of the respective corporations. And should the said Winterport railroad corporation unreasonably neglect or refuse to provide for the passage over its track of the locomotives and cars of said Penobscot Bay and River Railroad, then said Penobscot Bay and River Railroad corporation shall have the right to extend its track to any railroad connection in the city of Bangor.

Provisions relating to guage of Winterport R. R. and laying of third rail by same.

If use of Winterport R. R. is refused, corporation may extend their road into Bangor.

Approved March 6, 1868.

Chapter 618.

An act to make valid the doings of Pleasant Ridge plantation in raising money for war purposes.

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

SECT. 1. The acts and doings of Pleasant Ridge plantation, in raising money for war purposes by vote in public meeting, are hereby made valid and of full force and effect, except so far as the same may have had reference to commutation money.

Acts, &c., made valid, except with reference to commutations.

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

Approved March 6, 1868.

Chapter 619.

An act to renew the charters of the Lime Rock bank of Rockland and the North bank of Rockland.

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

SECT. 1. The charters of the Lime Rock bank and the North bank, both of Rockland, shall not become forfeited by their stock-

Charters not forfeited by