

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTIETH LEGISLATURE,

OF THE

STATE OF MAINE.

1871.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1871.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1871.

CHAP. 605. the said college, the act approved February fourteen, one thousand eight hundred and sixty-eight, entitled "an act to separate the Seminary Department from Bates College and incorporate the Trustees of the Maine State Seminary," is hereby repealed.

Latin or Preparatory School, maintenance of, authorized.

SECT. 3. The president and trustees of Bates College are hereby authorized to maintain a Latin or Preparatory School under such name as they shall designate.

Acceptance of act.

SECT. 4. This act shall be in force when approved by the governor, and accepted by the trustees of the Maine State Seminary at any meeting legally held.

Approved February 15, 1871.

Chapter 605.

An act to incorporate the Buxton and Bonny Eagle Branch Railroad Company.

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

Corporators.

SECT. 1. Albion K. P. Lord, James Morton, Horatio Briant, James Meserve, John M. Hutchinson, Charles E. Weld, William H. Smith, Martin Foss, Abraham L. Came, Mark R. Came, Abijah Usher, John Lane, Charles Hobson, Charles H. Allen, Daniel Huntoon, Oliver Dow, Niron Gray, Thomas Tarbox, Abel G. Smith, Gehial E. Smith, Alvin Hobson, Isaac S. Sawyer, Theodore Elwell, John Lynch and Frederick Robie, their associates, successors and assigns, are hereby made and constituted a body politic and

Corporate name.

corporate under the name of the Buxton and Bonny Eagle 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 use and exercise of the rights and privileges, and in the performance of the duties hereinafter granted, and to prevent all invasion thereof, or interference in exercising and performing the same; and said corporation is hereby authorized and empowered to locate, construct and complete, alter and keep in repair a railroad with one or more sets of rails or tracks, with all suitable and necessary bridges, tunnels, viaducts, turnouts, culverts, drains, and all other necessary appendages, from some point on the Portland and Rochester Railroad, in Buxton, passing through or near to the village of West Buxton, to some point near Bonny Eagle Falls, in said Buxton or in Standish; and said corporation shall be and is hereby invested with all powers, privileges and immunities which are or may be necessary to carry into effect the purposes and object of this act as hereinbefore or hereinafter set forth. And for this purpose, said corpo-

Rights and privileges.

Route.

Powers and privileges.

ration 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 or use, for the construction and repair of said railroad and appurtenances, any earth, gravel, stone, timber or other material, on or from the land so taken; *provided however*, that the land so taken shall not exceed six rods in width, except where a greater width is necessary for the purpose of excavating, or of embankment; *and provided also*, that 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 such parties shall not agree otherwise, said corporation shall pay such damages as shall be ascertained and determined by the county commissioners of the county in which such real estate shall be, in the same manner and under the same conditions as are by law provided in laying out 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 said railroad shall pass through any woodland or forest, the said company shall have the right to remove or fell any of the trees standing thereon within four rods from said road, which by their liability to fall or to be blown down, 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, before named in this act. And furthermore, said corporation shall have all the powers, privileges and immunities and shall be subject to all the duties and liabilities provided by law in this state respecting railroads, not inconsistent with the express provisions of this act, and to all provisions of laws of this state relating to the safety and convenience of travellers on railroads.

SECT. 2. The capital stock of said corporation shall consist of not less than five hundred nor more than two thousand shares; and the immediate government and direction of the affairs of said corporation shall be vested in five or seven 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 constitute a quorum for the transaction of business; and they shall elect one of their number to be president of their board, who shall also by virtue of such election be president of the corporation; and shall have authority to choose a clerk, and a treasurer who shall give bonds to the corporation, with sureties to the satisfaction of the directors in a sum of not less than five thousand dollars, for the faithful discharge of his duties.

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May take and hold, or purchase land and other real estate.

Earth, gravel, stone, timber or other materials, may be taken for construction of road.

Proviso.

Damages.

In case of disagreement of parties, county commissioners shall determine the amount to be paid by company.

Application to said commissioners to be made within three years.

Trees standing within four rods of road may be removed.

Capital stock and shares.

Directors, number and choice of.

Tenure of office.

Quorum.

President.

Clerk and treasurer. Bonds.

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First meeting,
how called.

SECT. 3. Any three of the persons named in the first section of this act, are hereby authorized to call the first meeting of the corporation for organization and for choice of directors, by giving notice of the time and place and purposes of said meeting, ten days at least before the time mentioned in such notice, which notice shall be given by publication in some public newspaper published in the county of York. And 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 management of their property.

By-laws.

Location, construction and completion of road, power and authority of president and directors, relating to.

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 transportation of persons, goods and property of all kinds and 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 for the transportation of persons, goods and property of all descriptions; to provide for and receive subscriptions for shares of stock in said company, and to make such equal assessment from time to time on all shares in said corporation as they may deem expedient 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 as shall be prescribed by the by-laws of the 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 stockholder or subscriber shall be held 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; *provided however*, that no assessment shall be laid upon any share in said corporation of a greater amount than the original subscription price or par value of the same.

Assessments,
notice of, to be
given by treasurer.

Shares may be
sold if assessment
is not paid in 30
days.

Proviso.

Toll granted upon
passengers and
property.

SECT. 5. A toll is hereby granted and established for the sole benefit of the 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 or established from time to time by the directors of said corporation, subject to

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such general laws in relation to railroads as may be from time to time established by the legislature. The transportation of persons and property, the form of cars and carriages, the construction of wheels, 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.

Transportation of persons and property, form of cars and carriages, construction of wheels, &c.

SECT. 6. Said company shall not engage in or commence the construction of said road until fifty per centum at least of the estimated cost of said road shall have been subscribed for by responsible persons or corporations; but the members of the corporation at the first meeting thereof, or at any subsequent meeting duly called for the purpose, may decide upon the time, places and manner of obtaining subscriptions for stock, and make any provisions they may deem necessary for all proper surveys for said road and for the location thereof.

When construction of road may be commenced.

Subscriptions for stock, survey and location of road.

SECT. 7. The corporation is invested with the power, and is hereby authorized to lease said road for any term of years, either before or after its completion, on such terms as may be agreed upon, and such as the members at a meeting regularly called for that purpose may determine; and it is also invested with the power to make connections with any other railroad or railroads, on such terms as may be deemed expedient and proper.

Lease of road authorized.

SECT. 8. The annual meeting of the members of said corporation shall be holden on the first Monday of September, or on 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, giving such previous notice as the corporation in their by-laws shall direct.

Annual meeting.

Proxy.

SECT. 9. Other railroad companies, now or hereafter to be incorporated within this state, shall have the right to connect their railroad with the road of this company at any point upon its line, and no discrimination in the rates of freight or passengers shall be made between railroads which have or shall have the right to connect as aforesaid; but all passengers and freight coming from or going to any other road, shall be transported promptly over its road on equally favorable terms, and on as favorable terms as the like service is or shall be performed for transportation commencing and terminating on its own line.

Connections.

SECT. 10. 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 county or counties within

Location and survey, when to be made.

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which the location shall be made, on or before the first day of October, 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 first day of October, 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.

Legislature may inquire into the doings of the corporation.

SECT. 11. 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.

First meeting of corporation, how called.

SECT. 12. The first meeting of this corporation shall be held in virtue of a call signed by any three members of the corporation, who shall designate the place and time, provided notice thereof is given by publishing the same one week before said meeting in the Portland Daily Press and Daily Eastern Argus, published in the city of Portland, and the Biddeford Union and Journal, published in the city of Biddeford.

Location, adoption of, by any other railroad company, authorized.

SECT. 13. Any railroad company now or hereafter to be incorporated within this state, that within four years after the approval of this act shall first have located, established and completed, under an act of incorporation for that purpose, a railroad from either of the cities of Biddeford or Saco, to the terminus of the road authorized by this act at the line of the Portland and Rochester railroad, may adopt the location made under the provisions of this act, as a part of or continuation of its own location, provided that such company, before adopting such location as aforesaid, shall assume and pay all outstanding liabilities and debts incurred by said Buxton and Bonny Eagle Branch Railroad Corporation for materials for constructing and for land damages for said road, and also pay to each shareholder of stock in said branch railroad, the amount actually paid for the shares held by him, in money, or in shares of stock in such company, at the option of said shareholder; and upon the performance by such company of all the conditions aforesaid, said Buxton and Bonny Eagle Branch Railroad Corporation is hereby authorized to transfer and convey their said road to said company, with all the rights, materials, property and appurtenances belonging thereto, and this act shall thereafter be of no force; and all subscriptions made, and certificates of stock issued by said Branch Railroad Company, shall be made and issued subject to the provisions aforesaid.

Conditions.

Subscriptions and certificates, conditions relating to.

SECT. 14. This act shall take effect when approved.

Approved February 15, 1871.