

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-FIRST LEGISLATURE

OF THE

STATE OF MAINE.

1872.

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

AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1872.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1872.

CHAP. 108. of its affairs, and do and execute all such acts as may be necessary to carry into effect the purposes intended by this act.

First meeting,
how called.

SECT. 3. The first meeting may be called by any three persons named in this act by posting up in three public and conspicuous places in said town of New Sharon, notice of time and place at least ten days before such meeting, at which time and place the members present may elect all needful officers, fix their compensation and manage their own affairs in any way not repugnant to the general laws of this state relating to such companies.

Officers, election
of.

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

Approved February 16, 1872.

Chapter 108.

An act to prohibit the killing of seal at Fort Point in the town of Stockton.

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

Seal, killing of,
prohibited.

SECT. 1. All persons are prohibited from killing seal within a distance of two miles from the Fort point hotel, situated on Fort point, in the town of Stockton, in the county of Waldo.

Penalty for viola-
tion of.

SECT. 2. Any person who shall violate the provisions of this act shall forfeit the sum of ten dollars for every seal by him killed in violation of this act, to be recovered in an action of debt, one-half to the use of the town of Stockton and one-half to the person prosecuting therefor.

Approved February 16, 1872.

Chapter 109.

An act to incorporate the Castine and Ellsworth Railroad Company.

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

Corporators.

SECT. 1. Samuel Adams, William Witherle, C. J. Abbott, George F. Tilden, W. H. Sargent, Charles Deering, D. H. Ingraham, W. F. Milliken, W. G. Sargent, C. W. Tilden, A. F. Adams, David Wasson, E. R. Bowden, J. B. Hawes, J. G. Walker, Isaac B. Leach, J. T. Hinckley, William Hopkins, Seth Tisdale, N. K. Sawyer, J. D. Hopkins, Munroe Young, John F. Whitcomb, Samuel Wasson, John Stevens, Joseph Hinckley, A. H. Dresser, A. K. Chase, J. W. Dresser, J. H. Noyes, S. K. Whiting, L. G. Philbrook, George W. Kimball, Jr., H. G. Berry, James

P. White, Axel Hayford, S. L. Milliken, S. T. Noyes, Thomas S. Fuller, Charles P. Brown and S. B. Swazey, their associates, successors and assigns, are hereby made and constituted a body corporate and politic by the name of the Castine and Ellsworth 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 town of Castine, extending northeasterly from said town through either of the towns of Penobscot, Brooksville, Bluehill and Surry to some point in the city of Ellsworth, as may be found expedient for the purpose of forming a connection with a railroad to be constructed from Bangor through the city of Ellsworth thence easterly to the east line of the State of Maine, and said corporation may connect its railroad with the railroad aforesaid, and 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 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*, the 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 dama-

Corporate name.

Legal remedies.

Location, construction, completion, &c., authorized.

Route of road.

Connection with other roads.

Powers and privileges.

Right to take and hold real and personal estate.

May take materials for construction of road.

Proviso.

Width of road.

Proviso.

Land and materials taken, compensation for, how adjusted.

CHAP. 109.

Damages, application for, limited to 3 years.

Trees may be removed.

Capital stock.

Shares.

Directors, how chosen.

Quorum.

President.

Clerk.

Treasurer and bond of.

Books for subscription of stock shall be opened.

First meeting, choice of directors and organization.

Stock, preferred and non-preferred.

Towns may subscribe for stock or loan their credit not exceeding 20 per cent. of valuation.

ges 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.

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 five 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 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, and in such places as they shall appoint, to remain open for thirty successive days at least, of which time and place of subscription public notice shall be given in one newspaper printed in the county of Hancock 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. 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 and equipment of the road, and any cities or towns in the county of Hancock deeming themselves interested in having said railroad constructed or to be benefited thereby, may subscribe at par value for any amount of either class of said stock, or loan their credit, or both, by a vote of two-thirds of the legal voters of any such city or town present at any legal meeting called there-

for, not to exceed twenty per cent. of the amount of the valuation of such city or town, and such vote shall be obligatory on such city or town for the payment of the amount so subscribed or loaned, and said cities and towns may issue their bonds for such stock or loan on such terms and on such time as may be agreed upon by them and said company, at a rate of interest not exceeding seven per cent., payable semi-annually, and for a period not exceeding thirty years, and all stock so subscribed for by such cities or towns shall be represented in said corporation by the municipal authorities thereof.

Town bonds and rate of interest.

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.

Lands of infants, &c., compensation for, how adjusted and settled.

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 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 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 assess-

Powers and authority of president and directors.

Assessments.

Notice of assessments. Neglect to pay.

Shares may be sold.

Delinquent stockholder responsible for balance of assessment.

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Assessment not to exceed \$100 on each share.

Bonds, form of, &c.

Principal and interest, how secured.

Toll, rates of.

Transportation, wheels, cars, gauge, weights of loads, &c., how regulated.

Vessels and steamers, purchase, lease of, &c., authorized.

Lease of road.

Connection with other roads, legislature may authorize.

Connecting roads, transportation of persons, goods of, regulated.

Private ways, canal, railroad or

ments 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; and for the purpose of raising means and funds to accomplish the objects and purposes of this act, said corporation is hereby authorized to make and issue its bonds in such form and manner and payable at such time as the directors may, under the circumstances, deem advisable, and it may secure the principal and interest of said bonds by a mortgage of its railroad and all its lands, property, rights, privileges and franchises then possessed, held or owned or thereafter acquired by said corporation, made to such persons or trustees and in such form and manner as the directors may approve and prescribe.

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 width of gauge, 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. And this company is authorized to purchase, lease or build and own such vessels or steamers as they shall find it necessary to run in connection with their railroad to facilitate its business, and this company is authorized to lease its railroad to any company whose railroad may connect with it, and this company is also authorized to take a lease of any connecting railroad, which lease may be for a term of years or perpetual.

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 or at its easterly termini. 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.

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 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.

highway, crossing of, regulated.

May raise or lower highway or private way.

May erect gates.

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.

Fences.

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 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 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.

U. S. mail, transportation of and compensation for.

In case of disagreement, how determined.

On receiving tolls, road to be kept in good repair with suitable equipments.

Lien created for tolls.

Engines and cars of other roads prohibited passing on this road.

Proviso.

Obligation to transport passengers and cars of connecting roads.

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

Wilful and malicious obstruction of road, penalty for.

CHAP. 109.

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.

Offenders liable to indictment.

Fine and imprisonment.

Disbursements, expenditures and receipts, how kept.

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.

Treasurer to make annual exhibit to legislature.

Real estate of corporation taxable.

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

Shares deemed and taxed as personal estate.

Net income above ten per cent. to be paid into state treasury.

Neglect to pay tax, how collected.

shall ever be levied or assessed on said corporation or any of their privileges or franchises.

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 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.

Annual meeting, when held.

Directors chosen.

Special meetings, how called.

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.

Doings of corporation, right of legislature to inquire into.

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 county 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-four, this act shall be null and void.

Organization, location and survey, when made.

SECT. 16. This act shall take effect when approved.

Approved February 16, 1872.

Chapter 110.

An act to provide in part for the expenditures of government.

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

SECT. 1. In order to provide for the several acts and resolves of the legislature requiring the payment of money from the treasury, and also to provide for the necessary expenditures of government for the current fiscal year, the following sums are hereby appropriated out of any moneys in the treasury; and the governor, with the advice and consent of the council, is hereby authorized at any time prior to the first day of January next, to draw his warrant upon the treasury for the same :

Public debt, forty thousand dollars..... 40,000 00