

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

331

OF THE

FIFTY-SECOND LEGISLATURE

OF THE

STATE OF MAINE.

1873.

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1873.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1873.

An act to incorporate the Portland, Bath and Sea Shore Railroad Company.

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

Corporators.

SECT. 1. John Hayden, A. G. Page, C. W. Larrabee, G. A. Preble, L. W. Houghton, B. C. Bailey, Franklin Reed, A. D. Fisher, Arthur Sewall, J. P. Hitchcock, William McGilvery, S. D. Carlton, L. A. Emery, Charles Deering, Benjamin Metcalf, Edwin Flye, I. T. Hobson, N. A. Farwell, Francis Cobb, E. R. Spear, J. T. Berry, J. Fred Merrill, J. S. Case, Joseph Farwell, T. J. Simonton, Johathan White, Timothy Williams, Samuel Watts, J. C. Levanseller, A. R. Reed, Charles Comery, J. P. Tucker, E. W. Farley, E. L. Giddings, F. T. Brown, C. H. Kilham, C. E. Fuller, Charles L. Woodbury, Charles P. Clark, H. C. Luce, Gilbert Atwood, John H. Reed, Arthur Williams, C. C. Pearson, D. Lovering, Jr., T. H. Hubbard, J. Avery Richards, Elbridge Norris, William P. Lennox, their associates, successors and assigns, are hereby made and constituted a body politic and

Corporate name.

corporate by the name of the Portland, Bath and Sea Shore Railroad Company, and by that name may sue and be sued, plead and be impleaded, and shall be entitled to all proper remedies at law and in equity to secure and protect them in the exercise and use of the rights and privileges conferred by this act and in the performance of the duties hereinafter imposed and enjoined, and to prevent all invasion thereof, or interruption in exercising and performing the same, and shall be subject to all duties and liabilities imposed upon similar corporations by the laws of the state.

Rights, duties and liabilities.

Power to build railroad.

SECT. 2. The said corporation is hereby fully empowered to survey, locate, construct, complete, alter, equip and keep in repair, a railroad with one or more tracks, and all necessary buildings, tunnels, viaducts, turnouts, side tracks, culverts, bridges, drains, and all other needful appendages and appurtenances, from some point in or near the city of Portland, and may connect with the Portland, Saco and Portsmouth and Boston and Maine railroads, thence, if necessary, through the town of Deering, and may connect with the Portland and Rochester railroad, and thence to Bath, or in an easterly direction from said Portland through the towns of Deering, Falmouth, Cumberland, Yarmouth, or North Yarmouth, if necessary, Freeport, Brunswick, West Bath to Bath, and thence to Woolwich, if necessary, to connect with the Knox and Lincoln railroad, and at Yarmouth, Falmouth or Portland may connect with the Grand Trunk railroad.

Location and route.

Powers and privileges.

SECT. 3. Said corporation is hereby invested with all the powers, privileges and immunities which may be necessary to carry into effect the object and purposes of this act, with the right, if neces-

sary, to bridge for the use of said road, any tide waters, navigable rivers or streams; provided said bridges shall be so constructed as not to prevent navigating said waters; and to this end it shall have the right to take or to purchase and hold, or assign and convey the same, so much of the land and other real estate of private persons and corporations as may be found necessary or convenient for the location, construction and convenient operation of said railroad; and also have the right to take, remove and use, for the construction and also for the repair of said railroad and its appurtenances, any earth, gravel, stone, timber, or other materials, on or from the land so taken; *provided, however,* the 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,* in all cases said corporation shall pay for such lands, estate or materials, such price as they and the owner or owners thereof may mutually agree upon; and in case said parties shall not agree as to the price to be paid, then the said corporation shall pay, in any given case, such damages as shall be ascertained and determined by the county commissioners of the several counties in which such lands or estates or materials may be situated, in the same manner and under the same conditions as are or may be by law provided by the general laws of the state relating thereto. The lands so taken by said corporation shall be held by it in like manner as lands taken and appropriated for highways; *provided however,* that nothing herein contained shall authorize said railroad corporation to take the land of other railroads within the limits of their actual way location acquired by purchase or otherwise, or their necessary depot grounds without the written consent of said companies, except in case of crossing said roads, and except as provided by the general laws of the state.

SECT. 4. The capital stock of said corporation shall consist of not less than twenty thousand shares of one hundred dollars each, par value, but the number of such shares may be from time to time increased at the discretion of the stockholders, to an amount not exceeding twenty-five thousand shares. The entire government and direction of the affairs of said corporation shall be vested in a board of directors, to consist of not more than nine members, and not less than seven, which members shall be stockholders in said corporation, and shall be chosen or appointed in the manner hereinafter provided, and shall hold their offices respectively until others shall be appointed to take their places. A majority of said board shall be 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 president of the corporation, and they shall also choose a clerk and treasurer, which latter officer shall be required

May take land.

May take earth and materials from land.

Proviso.

Damages, how determined and paid.

Lands taken, how held.

Proviso.

Capital stock.

—shares of, limited.

Directors to have direction of affairs.

—number of.

—term of office.

—quorum of.

President, clerk and treasurer.

CHAP. 220.

Treasurer to give bond.

By-laws and regulations.

Authorized to connect with other railroads.
May lease its line of railroad.

May hold lease of other railroads.

Powers, how vested.

Assessments may be made.

--not to exceed \$100 per share.

Toll.

Annual meeting.

Directors, how chosen.

Bonds may be issued, amount limited and how secured.

First meeting, how called.

to give bond to the corporation in such sum as the directors may determine, for the faithful discharge of his trust.

SECT. 5. 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 its own government, and for the due and orderly conducting of its affairs and management of its property; and it is also hereby authorized and empowered to make connection with any other railroad corporation, or to lease its line of railroad and property, either before or after completion, to any other railroad company, upon such terms as may be mutually agreed upon, which lease shall be binding upon the parties for the time named therein, or may take and hold a lease of any other railroad or property upon such terms and conditions as may mutually be agreed upon.

SECT. 6. 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 for the purpose of locating, constructing and completing said railroad, and for the transportation of persons, goods and property of all kinds and description, and all such power and authority as may be necessary and proper to carry into effect the objects of said corporation, under general laws of the state. They may make from time to time, such equal assessments upon all the shares in said corporation as they may deem expedient and necessary as the work progresses, no share, however, being liable in any event to assessment amounting in the whole to more than one hundred dollars. They may establish rules for the government of their own proceedings and may fill any vacancy which may occur in their own board subsequent to the regular annual meeting.

SECT. 7. A toll is hereby granted for the benefit of said corporation, upon all passengers and property which may be conveyed or transported on and over its railroad, at such rate as may be established by its directors, subject to such laws in relation to railroad companies as are or may from time to time be established by the legislature.

SECT. 8. The annual meeting of the stockholders of said corporation shall be holden on such day as the by-laws may determine, at which meeting the directors shall be chosen by ballot.

SECT. 9. Said corporation is authorized to issue its bonds to an amount not exceeding two millions of dollars, and to secure the same by a mortgage of its road, franchise and property, or in any other manner.

SECT. 10. Any five of the corporators named in the first section of this act are hereby authorized to call a meeting of the corporators for the purpose of accepting this act, and making a

preliminary organization of the corporation; and at such meeting they may determine when and in what manner books shall be opened for subscription to stock, and how subsequent meetings of the corporation shall be called and notified, and may transact any other business which may be deemed necessary in carrying forward and completing the organization of the corporation. The attendance of five of the incorporators shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day or to a time uncertain. The first meeting of the incorporators shall be called to meet in Bath, and notice of said meeting shall be given by publication in the Bath Daily Times and Rockland Free Press, at least seven days prior to said meeting.

CHAP. 221.

Subscription books, when opened.

Quorum.

First meeting, how called.

SECT. 11. If said corporation shall not be organized and a location of its line according to actual survey shall not be filed with the county commissioners of the several counties through which the railroad shall pass, on or before the first day of January, eighteen hundred and seventy-six, or if said corporation shall fail to complete said railroad on or before the first day of January, eighteen hundred and eighty-one, then in either of the above-mentioned cases this act shall be null and void as to all that part of said railroad not completed and finished on or before the date last above named.

Organization, location and construction, time of, limited.

SECT. 12. This corporation shall be at all times subject to such public laws, rules and regulations as have been, or may from time to time be established by the legislature, and nothing herein contained shall make said corporation in any respect independent of the general legislative power of the state.

Subject to the laws and legislative power of the state.

SECT. 13. This act shall take effect when approved.

Approved January 28, 1873.

Chapter 221.

An act for the relief of William Bingham Clymer and Charles Willing, as trustees of the estate formerly of William Bingham the elder, deceased, and for the relief of persons claiming under them.

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

SECT. 1. In all suits at law and in equity between William Bingham Clymer and Charles Willing as trustees of the estate which was formerly of William Bingham the elder, deceased, or persons claiming under them, and persons strangers to the title of the said William Bingham the elder, the deeds of appointment and conveyance to the said William Bingham Clymer and Charles

Trustees of estate.

Certain deeds of appointment and conveyance evi-