

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1874.

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

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1874.

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1874.

Lands reserved for public uses, fifteen hundred dollars,	1,500 00	<u>CHAP. 454.</u>
Forfeited lands, one thousand dollars.....	1,000 00	
County taxes collected in eighteen hundred seventy-three, eight thousand sixty dollars eighty-four cents,	8,060 84	
Military pensions, two thousand dollars.....	2,000 00	
Military purposes, three thousand dollars.....	3,000 00	
Sheriffs and coroners, six hundred dollars.....	600 00	
Legislative order for books, seventy-nine dollars.....	79 00	
Free high schools, deficiency of eighteen hundred seventy-three, five thousand three hundred ninety-one dollars twenty-two cents.....	5,391 22	
	<u>\$1,161,595 34</u>	

Approved February 10, 1874.

Chapter 454.

An act to incorporate the Sagadahoc and Cumberland Railroad Company.

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

SECT. 1. William Rice, Edwin Reed, James D. Robinson, Corporators.
 Thomas W. Hyde, Oliver Moses, Edward Sewall, Henry W. Swanton, Guy C. Goss, Levi W. Houghton, George A. Preble, James W. Wakefield, Alfred Lemont, Isaac T. Hobson, William P. Lennox, Andrew Lacy, Richard T. Rundlett, Joseph Tucker, Henry Ingalls, E. Wilder Farley, Edwin Flye, Addison Austen, Benjamin D. Metcalf, Elbridge Norris, David W. Chapman, Thomas G. Pillsbury, Asa R. Reed, Charles Comery, Joseph Clark, Augustus Welt, Samuel W. Jackson, Samuel Watts, John C. Levensaler, Bradford K. Kelloch, William Singer, B. Webb Counce, Edward K. O'Brien, Nathan A. Farwell, Francis Cobb, Edward R. Spear, John T. Berry, J. Fred Merrill, John S. Case, Joseph Farwell, Theodore E. Simonton, Jonathan White, Timothy Williams, Samuel Bryant, John Bird, Philander J. Carlton, Benjamin C. Adams, Henry McGilvery, Isaac M. Boardman, William McGilvery, Nathan G. Hichborn, Joab W. Palmer and Arad Thompson, their associates, successors and assigns, are hereby made and constituted a body politic and corporate by the name of the Sagadahoc and Cumberland 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

Corporate name.

Rights, powers, duties and liabilities.

CHAP. 454.

interruption in exercising and performing the same, and be subject to the duties and liabilities and have all the powers, privileges and immunities imposed upon, or granted to, similar corporations by the laws of the state, not inconsistent with the express provisions of this charter.

Empowered to locate, construct and equip railroad, &c.

Line of road.

May connect with other railroads.

SECT. 2. 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 appurtenances and appurtenances, from some point in or near the town of Woolwich or the city of Bath, through the city of Bath, the towns of West Bath, Brunswick, Freeport, Yarmouth, and North Yarmouth, if necessary, Cumberland, Falmouth, and Deering, if necessary, to some convenient point in the city of Portland, and may connect with the Portland, Saco and Portsmouth Railroad, the Portland and Rochester Railroad, the Boston and Maine Railroad, the Portland and Ogdensburg Railroad, the Grand Trunk Railroad, and the Knox and Lincoln Railroad, by contract, either or all of said corporations, or in the manner now provided by law.

Right to bridge navigable waters.

Proviso.

May purchase and hold real estate.

May take earth, stone, timber, &c., from land taken.

Land taken not to exceed six rods in width.

Proviso.

Damages for land, &c., taken, how ascertained and determined.

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 necessary, to bridge for the use of said road, any waters, navigable rivers or streams; *provided* said bridges shall be so constructed as not to prevent navigating said waters; *also provided*, that the said corporation shall not bridge the Kennebec river without first obtaining special authority therefor; and to this end said corporation shall have the right to take or purchase and hold, or assign and convey the same, so much of the land and other real estate of private persons or corporations, except the property of other railroads, which may be taken as hereinafter provided, as may be necessary or convenient for the location, construction and convenient operation of said railroad; and shall also have the right to take, remove and use for the construction and 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 when greater width is necessary for the purpose of excavation or embankment, and except for side tracks and buildings, as provided by law; *and provided also*, that 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 upon such price, then the said corporation shall pay in each case, such damages as shall be ascertained and determined by the

county commissioners of the several counties in which such lands, estates, or materials may be situated, in the same manner and under the same conditions as they are or may be by the general laws of the state relating thereto. The lands so taken by the corporation, shall be held by it in like manner as lands taken and appropriated for highways; and in case said railroad shall pass through any woodlands or forests, said corporations shall have the right to remove or fell any of the trees standing within four rods of such road, which by their liability to be blown down, or from their natural falling, might obstruct or injure said railroad, by paying a just compensation therefor, to be determined and recovered in the same manner as other damages, provided by this act; *provided, however*, that nothing herein contained shall authorize said corporation to take the land of other railroad corporations within the limits of their actual way location acquired by purchase or otherwise, or their necessary depot grounds, without the written consent of said corporations, except in case of crossing said roads, and except as provided by the general laws of the state.

Lands taken, how held.

Corporation, right to remove trees within four rods of road.

Proviso.

Lands of other railroads not to be taken without consent of the corporation.

SECT. 4. The capital stock of said corporation shall consist of not less than three thousand shares, of the par value of one hundred dollars each, but the number of shares may from time to time be increased, by direction of the stockholders, to an amount not exceeding thirty thousand shares. The entire government and direction of the affairs of said corporation shall be vested in a board of directors consisting of not less than seven and not more than nine members, 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 chosen or appointed in their places. A majority of said board for the time being shall constitute 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 to give bond to the corporation, in such sum as the directors may determine, for the faithful discharge of his trust.

Capital stock and shares.

Government and direction of affairs vested in directors.

Directors, how chosen and term of office.

Quorum.

President.

Clerk, treasurer and bond of.

SECT. 5. Said corporation shall have power to make, ordain and establish all necessary or proper by-laws and regulations not inconsistent 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 hereby also authorized and empowered to make connection with any other railroads or railroad corporations, or to lease its line of railroad and property, either before or after completion, to any other railroad company, such connection or lease to be upon such terms as

By-laws.

Connections with other railroads.

May lease line of railroad, &c.

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may be mutually agreed upon, which connection or 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 be mutually agreed upon, subject to the approval of a majority of the stockholders at a meeting called therefor.

Officers, appointment of.

SECT. 6. The directors for the time being are hereby authorized and empowered to appoint all necessary or proper officers and agents, and by themselves and such officers and 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 descriptions, and all such power and authority as may be necessary and proper to carry into effect the objects of said corporation under the

Assessments.

general laws of the state. They may make from time to time such equal assessments upon all the shares of said corporation as they may deem necessary or expedient, as the work progresses, and direct the same to be paid to the treasurer; 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 of such assessment as may be prescribed by the by-laws or the directors shall have been given him, the directors may order the treasurer to sell such share or shares at public auction after 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 liable to the corporation for any balance that may be due on such assessment after deducting the net proceeds of said sale; *provided, however*, that no share shall be liable to assessments amounting in the whole to more than one hundred dollars. The directors may establish rules for their own proceedings and may fill any vacancy which may occur in their own board subsequent to the annual meeting.

—non-payment of.

Sale of shares.

Liability of delinquent stockholders.

Proviso.

Directors may establish rules and fill vacancies in their board.

Toll.

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 the laws of the state.

Annual meeting, when held.

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

Bonds.

SECT. 9. Said corporation is hereby authorized and empowered to make and issue its bonds in such form and manner, and payable at such time or times and with such rate or rates of interest and to such trustees as the directors may determine, not exceeding seven and three-tenths per cent., and shall secure the principal and interest of such bonds by a mortgage of its railroad, lands and other property, present and prospective.

—payment of, how secured.

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

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Meeting for preliminary organization, how called.

Books of subscription.

Quorum.

First meeting of corporators, where held and 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 said railroad shall pass, on or before the thirty-first day of December, eighteen hundred and seventy-seven, or if said corporation shall fail to complete said railroad on or before the thirty-first day of December, eighteen hundred and eighty-two, 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 and completion of railroad, time of, limited.

SECT. 12. This corporation shall be at all times subject to such laws as now are, or hereafter may be, enacted relating to railroad corporations.

Corporation subject to laws of the state.

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

Approved February 11, 1874.

Chapter 455.

An act to incorporate the Dixfield Centre Cheese Company.

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

SECT. 1. Nathan Carver, William W. White, John J. Holman, and twenty-eight others, their associates, successors and assigns, are hereby created a body politic and corporate by the name of the Dixfield Centre Cheese Company, with all the powers and privileges and subject to all the duties and liabilities provided by the laws of this state concerning manufacturing corporations.

Corporators.

Corporate name. Powers and privileges