

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

FIFTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1874.

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

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AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1874.

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE.

1874.

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**CHAP. 625.** ficient to construct and prepare a trotting park with a mile or half-mile track within the limits thereof with such structures, fixtures and appurtenances as may be necessary for the proper use and enjoyment of the same.

Rules and by-laws.

SECT. 4. Said corporation may make and adopt from time to time such rules, regulations and by-laws as they may deem proper and necessary for the organization and management of the business of their association, not repugnant to the laws and the constitution of this state.

First meeting, how called.

SECT. 5. The first meeting of said corporation shall be called by any person named in the first section, by written notice given to each of the other corporators at least seven days prior to the time of such meeting.

SECT. 6. This act shall take effect when approved.

Approved March 4, 1874.

## Chapter 625.

An act to incorporate the Messalonskee and Kennebec Railroad Company.

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

Corporators.

SECT. 1. Alfred Winslow, Luther D. Emerson, John W. Hubbard, Bainbridge Crowell, A. P. Benjamin, John M. Libbey, George W. Golding, Joseph E. Stevens, Silas L. Waite, Isaac Bowman, F. A. Fields, Lauriston Gile, E. A. Fields, H. A. DeWitt, Josiah P. Wyman, George G. Stacy, Ira D. Sturgis, Benjamin H. Cushman, J. M. Haines, E. F. Pillsbury, James W. North, J. Sherman, O. H. McFadden, Samuel Bunker, Marcellus Steward, John H. Allen, John Wasson, John Pierce, Sewall A. Dinsmore, Seth Goodrich, Walter G. Jewett, J. W. Hilton, S. B. Cragin, S. D. Lindsey, L. B. Jones, James R. Hilton, Josiah Butler and Ai Staples, their assigns, associates and successors are hereby made and constituted a body politic and corporate by

Corporate name.

the name of the Messalonskee and Kennebec 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 exercise, in the use and exercise of the rights and privileges, and in the performance of the duties herein-

Rights and privileges.

after granted, and to prevent all invasion thereof or interference in exercising or performing the same; and the said corporation is hereby authorized and empowered to locate and 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,

Authorized to construct railroad.

CHAP. 625.

viaducts, turnouts, culverts, drains, and all other necessary appendages, from some point at or near to the village of West Waterville, and passing through the town of Sidney to the city of Augusta. And said corporation shall be and hereby is 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 take and hold, or to purchase so much of the land or 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 road and appurtenances, any earth, gravel, stone, timber, or other material, 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 purposes of excavation and embankment; *and provided also,* 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, the said corporation shall pay such damages as shall be ascertained and determined by the county commissioners for the county of Kennebec, 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 and other property. And in case said railroad shall pass through any woodlaud or forest, the said company shall have the right to fell and 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.

Location and route.

Powers, privileges and liabilities.

May take and hold real estate.

May take and use materials.

Proviso.

Shall pay for land or materials taken.

Damages, how determined, in case of disagreement.

Damages to be estimated within three years.

May remove trees liable to obstruct road.

SECT. 2. The capital stock of said corporation shall consist of not less than one thousand nor more than eight thousand shares, of the par value of fifty dollars each; and the immediate government and direction of the affairs of said corporation shall be vested in not less than five nor more than nine 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 bond to the corporation, with sureties

Capital stock. shares.

Government vested in directors.

Directors, how chosen. — term of office.

Quorum.

President.

Clerk.

Treasurer.

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Stock books to be opened.

Notice of, to be given.

By-laws.

President and directors to exercise all powers necessary to carry into effect objects of this grant.

Assessments.

Assessments, notice of.

—non-payment of.

Shares may be sold.

Delinquent stockholders, liability of.

Proviso.

to the satisfaction of the directors in a sum not less than one 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 and places as they shall determine, to remain open for five successive days at least, of which time and places of subscription public notice shall be given in some newspaper published in the county of Kennebec, ten days before the time mentioned in such notice.

SECT. 3. Said corporation shall have power to make, ordain and establish all the necessary by-laws and regulations, consistent with the constitution and the laws of this state, for their own government and for the due and orderly conducting of their affairs and the management of their property.

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 cost of sale and shall be entitled to the overplus, if his share or shares shall sell for more than the assessments due with interest and cost of sale; *provided, however,* that no assessments shall be laid upon any share in said corporation of a greater amount in the whole than fifty dollars.

SECT. 5. A toll is hereby granted and established for the sole benefit of the 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, construction of wheels, the form of cars and carriages, the weight of loads and all other matters 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.

Toll.

Construction of wheels, carriages and weight of loads.

SECT. 6. The annual meeting of the members of said corporation shall be holden on such day as shall be determined by their by-laws and 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.

Directors to be chosen.

Votes.

Special meetings.

SECT. 7. 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.

Bonds.

Mortgage.

SECT. 8. The corporation is hereby invested with power to make connections with any other railroad or railroads, and on such terms as the members may deem expedient and proper and it is hereby authorized to lease the road either before or after it shall be completed, or to take a lease of any other railroad connecting with it, on such terms and for such time as the members at a meeting regularly called for that purpose shall determine.

Connections with other railroads.

Lease of road.

SECT. 9. 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 organizing by the choice of all necessary officers, making by-laws and doing any other business that they may deem necessary to carry into effect the purposes of this act, and said first meeting may be called at such time as is deemed most convenient.

Meeting for organization.

SECT. 10. If the said corporation shall not have been organized, and the location, according to actual survey of the route, filed

Organization and location, time of, limited.

**CHAP. 626.** 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-six, this act shall be null and void.

Somerset Railroad Company, extension of.

SECT. 11. If the Somerset Railroad Company, at a meeting of the stockholders duly called, notified and held, within six months from the passage of this act, shall by a majority stock vote elect to extend their road over the route hereinbefore described, and shall notify in writing any three of the incorporators named in this act of such election in thirty days thereafter, then said Somerset Railroad Company shall have the power to so extend their road with the same rights, privileges and immunities and subject to the same duties, obligations and liabilities as are provided by their existing charter and the general laws relating to similar corporations; *provided*, said company shall locate said extension by actual survey of the route, and file such location with the county commissioners of Kennebec county within one year from the passage of this act; and in case said Somerset Railroad Company shall so elect, notify, locate and file within the times aforesaid, then the charter hereby granted to the Messalonskee and Kennebec Railroad Company shall be null and void.

Proviso.

Charter, when void.

Not authorized to locate over road-bed of other railroads.

SECT. 12. Nothing in this act shall be construed to authorize this corporation to locate its road over the road-bed of any other railroad, or take its property except to cross the same.

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

Approved March 4, 1874.

## Chapter 626.

An act to amend acts relating to a Municipal Court for the city of Lewiston.

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

Ch. 636, laws '71, amendment of.

SECT. 1. Chapter six hundred and thirty-six of the private and special laws of the year eighteen hundred and seventy-one, establishing a municipal court for the city of Lewiston, is hereby amended by striking out the words "plaintiff or" in the twenty-first line of section two of said chapter; also by adding after the word "Androscoggin," in the twenty-second line thereof the words "said court shall have concurrent jurisdiction with the supreme judicial court in the county of Androscoggin of the offenses described in chapter one hundred and twenty, sections one, six, seven, eight and nine of the revised statutes, when the value of the property is not alleged to exceed fifty dollars, and