

# MAINE STATE LEGISLATURE

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# SIXTY-FIRST LEGISLATURE.

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SENATE.

No. 23.

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## STATE OF MAINE.

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IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND  
EIGHTY-THREE.

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AN ACT to incorporate the Mechanic Falls, Poland  
and Gray Railroad Company.

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

SECTION 1. Hiram Ricker, E. P. Ricker, Josiah  
2 A. Bucknam, Dura Bradford, Otis Hayford, John  
3 S. Briggs, Israel Washburn, Junior, Alfred Cole,  
4 R. C. Bradford, H. J. Deshon, Warren H. Vinton,  
5 Henry Pennell, Thomas Hancock, Alvin B. Rick-  
6 er, Hiram W. Ricker, Mellen Goff, Frank Stanley,  
7 O. H. Hersey, B. Spaulding, John P. Swasey,  
8 George D. Bisbee, James Irish, Nahum Moor, S.  
9 C. Andrews, J. H. Decoster, Henry O. Stanley,  
10 their associates, successors and assigns, are hereby

11 made a body politic and corporate by the name of  
12 the Mechanic Falls, Poland and Gray Railroad  
13 Company, and by that name may sue and be sued,  
14 plead and be impleaded, and shall have and enjoy  
15 all proper remedies at law and in equity to secure  
16 and protect them in the exercise and use of the  
17 rights and privileges, and the performance of the  
18 duties hereinafter granted and enjoined, and the  
19 said corporation is hereby authorized and em-  
20 powered to locate, construct and finally complete,  
21 alter and keep in repair a railroad with one or more  
22 sets of rails or tracks, with all suitable bridges,  
23 tunnels, viaducts, turnouts, culverts, drains and all  
24 other necessary appendages, from some point on  
25 the line of the railroad leading from Mechanic Falls  
26 to Canton, thence through the towns of Minot,  
27 Poland, New Gloucester and Gray, by the neigh-  
28 borhoods of Poland Corner and Poland Mineral  
29 Springs, to a point on the Maine Central railroad  
30 in the towns of Gray, North Yarmouth or Cumber-  
31 land. And said corporation shall be and hereby is  
32 invested with all the powers, privileges and im-  
33 munities which are or may be necessary to carry  
34 into effect the purposes and objects of this act as  
35 herein set forth, and for this purpose said corpora-

36 tion shall have the right to take and hold or to  
37 purchase so much of the land and other real estate  
38 of private persons and corporations, as may be nec-  
39 essary for the location, construction and convenient  
40 operation of said railroad, and shall also have the  
41 right to take, remove and use for the construction  
42 and repair of said road and appurtenances, any  
43 earth, gravel, stone, timber or other materials or  
44 property on or from the land so taken; *provided,*  
45 *however,* the land so taken shall not exceed five  
46 rods in width, except where greater width is neces-  
47 sary for the purpose of excavation or embankment;  
48 and provided also, in all cases said corporation  
49 shall pay for such lands, estate, materials or prop-  
50 erty such price as they and the respective owner  
51 or owners thereof may mutually agree upon, and in  
52 case said parties shall not otherwise agree the said  
53 corporation shall pay such damages as shall be  
54 ascertained and determined by the county commis-  
55 sioners for the county where such land or other  
56 property may be situated, in the same manner and  
57 under the same conditions as are by law provided  
58 in the case of laying out highways, and the land so  
59 taken by said corporation shall be held as lands  
60 taken and appropriated for highways; and no appli-

61 cation to said commissioners to estimate said dam-  
62 ages shall be sustained unless made within three  
63 years from the time of taking such lands and other  
64 property; and in case said railroad shall pass  
65 through any woodlands or forests, the said com-  
66 pany shall have the right to remove or fell any of  
67 the trees standing thereon within four rods from  
68 such road, which by their liability to be blown  
69 down, or from their natural falling might obstruct  
70 or impair said railroad, by paying a just compen-  
71 sation therefor, to be recovered in the same man-  
72 ner as is provided for the recovery of the other  
73 damages mentioned in this act. And furthermore,  
74 said corporation shall have all the powers, privileges  
75 and immunities, and be subject to all the duties and  
76 liabilities provided respecting railroads in chapter  
77 fifty-one of the revised statutes, not inconsistent  
78 with the express provisions of this charter.

SECT. 2. The capital stock of said corporation  
2 shall consist of not less than one thousand shares  
3 nor more than four thousand shares, of one hundred  
4 dollars each, and the immediate government and  
5 direction of the affairs of said corporation shall be  
6 vested in five, seven or nine directors, or in such  
7 number of directors as said railroad company may

8 fix; according to the provisions of chapter one  
9 hundred and seventy-seven of the laws of eighteen  
10 hundred and seventy-one, entitled "an act to  
11 authorize railroad companies to fix the number of  
12 directors," who shall be chosen by the members of  
13 said corporation in the manner hereinafter provided,  
14 and shall hold their offices until others shall have  
15 been duly elected and qualified to take their places,  
16 a majority of whom shall be a quorum for the  
17 transaction of business, and they shall elect one of  
18 their number to be president of the board, and he  
19 shall be also president of the corporation; and said  
20 directors shall have authority to choose a clerk  
21 and a treasurer, who shall give bonds to the corpo-  
22 ration in the sum of ten thousand dollars, at least,  
23 with sureties to the satisfaction of the directors  
24 for the faithful discharge of his trust; and any ten  
25 of the persons named in the first section hereof are  
26 hereby authorized to accept this act and organize  
27 said corporation at a meeting holden for the pur-  
28 pose, of which notice shall be given by publication  
29 seven days previously in the Lewiston Journal, or  
30 any newspaper published in the city of Portland.

SECT. 3. The president and directors for the time  
2 being, are hereby authorized and empowered by

3 themselves or their agents, to exercise all the  
4 powers herein granted to the corporation for the  
5 purpose of locating, constructing and completing  
6 said railroad, and for the transportation of persons,  
7 goods and property of all descriptions, and all such  
8 power and authority for the management of the  
9 affairs of the corporation as may be necessary and  
10 proper to carry into effect the objects of this grant ;  
11 to purchase and hold land, materials, engines and  
12 cars, and other necessary things, in the name of  
13 the corporation, for the use of the said road and  
14 for the transportation of persons, goods and prop-  
15 erty of all descriptions, to make such equal assess-  
16 ments from time to time on all the shares in said  
17 corporation as they may deem necessary and expe-  
18 dient in the execution and progress of the work,  
19 and direct the same to be paid to the treasurer of  
20 the corporation. And the treasurer shall give  
21 notice of all such assessments, and in case any  
22 subscriber or stockholder shall neglect to pay any  
23 assessment on his share or shares for the space of  
24 thirty days after such notice is given, as shall be  
25 prescribed by the by-laws of said corporation, the  
26 directors may order the treasurer to sell such  
27 share or shares at public auction, after giving such

28 notice as may be prescribed as aforesaid, to the  
29 highest bidder, and the same shall be transferred  
30 to the purchaser, and such delinquent subscriber  
31 or stockholder shall be held accountable to the  
32 coporation for the balance, if his share or shares  
33 shall sell for less than the assessment due thereon,  
34 with the interest and cost of sale; *provided, how-*  
35 *ever,* that no assessment shall be laid upon any  
36 share in said corporation of a greater amount than  
37 one hundred dollars in the whole.

SECT. 4. A toll is hereby granted and established  
2 for the sole benefit of said corporation upon all  
3 passengers and property of all descriptions which  
4 may be conveyed or transported by them upon said  
5 road, at such rate as may be agreed upon and  
6 established from time to time by the directors of  
7 said corporation. The transportation of persons  
8 and property, the construction of wheels, the form  
9 of cars and carriages, the weight of loads, and all  
10 other matters and things in relation to said road  
11 shall be in conformity with such rules, regulations  
12 and provisions as the directors shall from time to  
13 time prescribe and direct, and such laws as may be  
14 hereafter enacted.



SECT. 5. Said corporation shall have power to  
2 make, ordain and establish all necessary by-laws  
3 and regulations consistent with the constitution  
4 and laws of this state for their own government,  
5 and for the due and orderly conducting of their  
6 affairs and the management of their property.

SECT. 6. The annual meeting of the members of  
2 said corporation shall be holden on the first Tues-  
3 day of December, or such other day as shall be  
4 determined by the by-laws, at such time and place  
5 as the directors for the time being shall appoint; at  
6 which meeting the directors shall be chosen by  
7 ballot, each proprietor by himself, or proxy, being  
8 entitled to as many votes as he holds shares, and  
9 the directors are hereby authorized to call special  
10 meetings of the stockholders whenever they shall  
11 deem it expedient and proper, by giving such  
12 notice as the corporation by their by-laws shall  
13 direct.

SECT. 7. The corporation is hereby invested  
2 with power to make connections with any other  
3 railroad or railroads and on such terms as the  
4 members may deem expedient and proper; and it  
5 is hereby authorized to sell or lease the road either  
6 before or after it shall have been completed, on

7 such terms and conditions as the stockholders, at a  
8 meeting regularly called for that purpose, shall  
9 determine.

SECT. 8. For the purpose of raising means and  
2 funds to accomplish the objects and purposes of  
3 this act, said corporation is hereby authorized to  
4 make and issue its bonds in such form and manner  
5 and payable at such time as the directors may,  
6 under the circumstances, deem advisable; and it  
7 may secure the principal and interest of said bonds  
8 by a mortgage of its railroad and all its lands,  
9 property, rights, privileges and franchises then  
10 possessed, held or owned or thereafter acquired by  
11 said corporation, made to such persons or trustees  
12 and in such form and manner as the directors may  
13 approve and prescribe.

SECT. 9. The corporation shall be authorized to  
2 issue non-preferred and preferred stock upon such  
3 terms and conditions and to such persons and  
4 corporations, and with such limitations and re-  
5 strictions as may be deemed most for the interest  
6 of the subscribers, the success of the corporation  
7 and the completion and equipment of the road.

SECT. 10. Said corporation shall have five years  
2 in which to complete and file the location of said  
3 railroad, and eight years to construct the same.

SECT. 11. All the powers, privileges and immu-  
2 nities herein and hereby granted shall be subject  
3 to all existing laws of the state, and such as may  
4 be hereafter enacted.

SECT. 12. This act shall take effect when ap-  
2 proved.

STATE OF MAINE.

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IN SENATE, February 5, 1883.

On motion of Mr. YOUNG of Cumberland, laid on the table  
to be printed.

C. W. TILDEN, *Secretary*.